

UNITED STATES



OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 76th CONGRESS, THIRD SESSION

SENATE

TUESDAY, MARCH 5, 1940

(Legislative day of Monday, March 4, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

O God, who art the Lord and Father of us all, in whom we live and abide, of whose perfect and unchangeable will our imperfect, changeable souls are but as a far-off shadow: We acknowledge Thy purpose and discipline in all our life, with its mingled pain and joy, its severity and blessing; may we be weaned thereby from the ways of folly and sin and instructed in the ways of wisdom and goodness.

Help us this day to consider one another with the sympathy and understanding of those who dwell together under a divine fatherhood and are animated by a common purpose, always cherishing in our heart the answering filial temper and trust, hoping all things, believing all things, enduring all things, because we are children in our Father's house. We pray not only for ourselves but for every child of man who, in searching for the light of life, finds it in the heart of Jesus Christ, the Saviour of the world. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, March 4, 1940, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 547. An act to amend section 23 of the act of March 4, 1909, relating to copyrights;

S. 1088. An act to authorize the Administrator of Veterans' Affairs to exchange certain property located at Veterans' Administration facility, Tuskegee, Ala., title to which is now vested in the United States, for certain property of the Tuskegee Normal and Industrial Institute;

S. 2152. An act to protect scenic values along the Catalina Highway within the Coronado National Forest, Ariz.;

S. 2740. An act to amend section 9a, National Defense Act, as amended, so as to provide specific authority for the employment of warrant officers of the Regular Army as agents of officers of the finance department for the disbursement of public funds;

S. 2769. An act to amend section 55, National Defense Act, as amended, to provide for enlistment of men up to 45 years of age in technical units of the Enlisted Reserve Corps;

S. 2843. An act granting easements on Indian lands of the Wind River or Shoshone Indian Reservation, Wyo., for dam-site and reservoir purposes in connection with the Riverton reclamation project;

S. 2866. An act to provide for allowance of expenses incurred by Veterans' Administration beneficiaries and their attendants in authorized travel for examination and treatment;

S. 2992. An act to authorize an exchange of lands between the Richmond, Fredericksburg & Potomac Railroad Co. and the United States, at Quantico, Va.; and

S. 3012. An act to amend the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902 (32 Stat. 662), relative to the payment of the commuted rations of enlisted men.

The message also announced that the House had passed the bill (S. 2284) to amend the act of May 4, 1898 (30 Stat. 369), so as to authorize the President to appoint 100 acting assistant surgeons for temporary service, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the joint resolution (S. J. Res. 206) creating a joint committee to arrange for the celebration of the sesquicentennial anniversary of the signing of the first United States patent law, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 2008. An act to increase the lump-sum payment made under the Workmen's Compensation Act in cases of permanent total disability suffered prior to February 12, 1927;

H. R. 4040. An act declaring Devil's Den Springs, in Decatur County, Ga., to be nonnavigable;

H. R. 4828. An act to amend the law limiting the operation of statutes of limitations in certain cases;

H. R. 5292. An act to extend the privilege of retirement to the judges of the District Court for the District of Alaska, the District Court of the United States for Puerto Rico, the District Court of the Virgin Islands, the United States District Court for the District of the Canal Zone, and the United States Court for China;

H. R. 5961. An act granting the regents of the University of New Mexico the right to alienate certain lands conveyed to them under authority of the act of Congress approved August 19, 1935 (49 Stat. 659), in exchange for an equivalent amount of land more expediently situated;

H. R. 6443. An act to permit certain aliens whose childhood was spent in the United States, if eligible to citizenship, to become naturalized without filing declaration of intention;

H. R. 6751. An act to repeal certain laws with respect to manifests and vessel permits;

H. R. 7081. An act authorizing the Secretary of the Navy to sell certain surplus land owned by the United States in Bremerton, Wash.;

H. R. 7343. An act to amend certain laws governing Federal prisoners, and for other purposes;

H. R. 7660. An act to amend section 35B of the United States Criminal Code to prohibit purchase or receipt in pledge of clothing and other supplies issued to veterans maintained in Veterans' Administration facilities;

H. R. 8119. An act to amend the Criminal Code so as to confer concurrent jurisdiction on courts of the United States over crimes committed on certain Federal reservations;

H. R. 8150. An act providing for the barring of claims against the United States;

H. R. 8238. An act providing for the incorporation of the United Spanish War Veterans;

H. R. 8350. An act permitting official mail of the Pan American Sanitary Bureau to be transmitted in penalty envelopes;

H. R. 8398. An act amending acts extending the franking privilege to widows of ex-Presidents of the United States;

H. R. 8399. An act to prohibit the receipt, possession, or disposition of money or property feloniously taken from a bank organized or operating under the laws of the United States or any member of the Federal Reserve System;

H. R. 8446. An act to amend the act entitled "An act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor," approved February 23, 1931, as amended;

H. J. Res. 433. Joint resolution to protect the copyrights and patents of foreign exhibitors at the Golden Gate International Exposition, to be held at San Francisco, Calif., in 1940; and

H. J. Res. 448. Joint resolution authorizing the Joint Committee on the Library to procure an oil portrait of Charles Moore.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled joint resolution (H. J. Res. 424) to authorize the United States Maritime Commission to acquire certain lands at St. Petersburg, Fla., and it was signed by the Vice President.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills:

On February 29, 1940:

S. 3069. An act to provide for increasing the lending authority of the Export-Import Bank of Washington, and for other purposes.

On March 4, 1940:

S. 643. An act authorizing the payment of necessary expenses incurred by certain Indians allotted on the Quinaliet Reservation, State of Washington; and

S. 1935. An act to extend until March 4, 1944, the time during which petitions may be filed by farmers under section 75 of the Bankruptcy Act.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On March 2, 1940:

S. 2867. An act to authorize the Administrator of Veterans' Affairs to transfer by quitclaim deed to the Pennsylvania Railroad Co., for right-of-way purposes, a small strip of land at Veterans' Administration facility, Coatesville, Pa.;

S. 2876. An act to amend the Annual and Sick Leave Acts of March 14, 1936; and

S. 3069. An act to provide for increasing the lending authority of the Export-Import Bank of Washington, and for other purposes.

On March 4, 1940:

S. 1850. An act to aid the States and Territories in making provision for the retirement of employees of the land-grant colleges; and

S. 1935. An act to extend until March 4, 1944, the time during which petitions may be filed by farmers under section 75 of the Bankruptcy Act.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll and the following Senators answered to their names:

Adams	Donahay	King	Russell
Andrews	Downey	La Follette	Schwartz
Ashurst	Ellender	Lee	Schwellenbach
Austin	Frazier	Lodge	Sheppard
Bailey	George	Lucas	Shipstead
Bankhead	Gerry	Lundeen	Slattery
Barbour	Gibson	McCarran	Smathers
Barkley	Gillette	McKellar	Smith
Bilbo	Green	McNary	Stewart
Brown	Guffey	Maloney	Taft
Bulow	Gurney	Mead	Thomas, Idaho
Byrd	Hale	Miller	Thomas, Okla.
Byrnes	Harrison	Minton	Thomas, Utah
Capper	Hatch	Murray	Tobey
Caraway	Hayden	Neely	Townsend
Chandler	Herring	Norris	Truman
Chavez	Hill	Nye	Tydings
Clark, Idaho	Holman	O'Mahoney	Vandenberg
Clark, Mo.	Hoit	Overton	Van Nuys
Connally	Hughes	Pepper	Wheeler
Danaher	Johnson, Calif.	Radcliffe	White
Davis	Johnson, Colo.	Reed	Wiley

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] is absent from the Senate because of illness.

The Senator from Nebraska [Mr. BURKE], the Senator from Virginia [Mr. GLASS], and the Senator from North Carolina [Mr. REYNOLDS] are detained on important public business.

The Senator from Nevada [Mr. PITTMAN] is absent on official business.

The Senator from New York [Mr. WAGNER] and the Senator from Massachusetts [Mr. WALSH] are unavoidably detained.

The VICE PRESIDENT. Eighty-eight Senators have answered to their names. A quorum is present.

REPORT OF THE COMPTROLLER OF THE CURRENCY

The VICE PRESIDENT laid before the Senate a letter from the Comptroller of the Currency, transmitting, pursuant to law, the seventy-seventh annual report of the Comptroller covering the year ended October 31, 1939, which, with the accompanying report, was referred to the Committee on Banking and Currency.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate telegrams in the nature of memorials from Abram Flaxer, president, State, County, and Municipal Workers of America, and Mary Luciel McGorkey, president, New York District, State, County, and Municipal Workers of America, both of New York City, N. Y., remonstrating against the enactment of the so-called Hatch bill, being the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, which were ordered to lie on the table.

Mr. SHIPSTEAD presented a resolution adopted by the Council of the City of Duluth, Minn., favoring necessary appropriations for the Public Works Administration, and extension of the operations of that Administration to and including June 30, 1941, which was referred to the Committee on Appropriations.

Mr. HOLT presented the petition of members of Local Union, No. 22, American Flint Glass Workers' Union of North America, of Williamstown, W. Va., and Marietta, Ohio, praying for the imposition of higher tariff duties on glassware products, also that the reciprocal trade agreement policy with foreign nations be abandoned and that all tariff legis-

lation be enacted by the Congress, which was referred to the Committee on Finance.

RELIEF OF THE PEOPLE OF POLAND—RESOLUTIONS

Mr. WILEY presented a letter from the Polish American Central Council, Kenosha, Wis., embodying resolutions adopted by a mass meeting, which was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

POLISH AMERICAN CENTRAL COUNCIL,
Kenosha, Wis., March 2, 1940.

Hon. A. WILEY,
Washington, D. C.

HONORABLE SIR: For your consideration and official action, we hereby respectfully submit to you, as directed by the mass meeting which unanimously adopted them, the following resolutions, with our respectful plea to personally help in carrying them out in letter and spirit and to have them spread upon the official CONGRESSIONAL RECORD for personal consideration and action of Congress:

"Resolved, That we, assembled here Sunday afternoon, February 25 A. D. 1940, 1,200 strong in Kenosha High School (Mary Bradford) auditorium in Kenosha, Wis., as American citizens in accordance with American ideals and traditions, hereby petition our President of the United States, Hon. Franklin Delano Roosevelt; the Congress of the United States; Hon. John Nance Garner, Vice President, as President of the Senate; and Hon. William B. Bankhead, as Speaker of House of Representatives, to support and have Congress make the necessary appropriations for Polish relief, and to take steps officially to answer the cry of distress and pleas for help of millions of suffering people of Poland, now temporarily in the toils and grip of German Nazi and Soviet invaders; and

"Resolved, That our United States Government hasten in bringing aid and relief to the suffering people in Poland, and to the refugees and exiles therefrom in other countries, in order to save the lives of men, women, and children, in accordance with the traditions of America and the soul of the American Nation, and in accordance with the dictates of humanity, civilization, and the law of God; and

"Resolved, That the aid and relief from our American Government, as well as all other aid and relief of the different and various humanitarian agencies of America, be distributed by Americans, and that it be carried on under American supervision in accordance with precedents and justice; and

"Resolved, That we hereby further petition our Government to see to it that all aid from America for the suffering, needy, and starving people of Poland is carried on, distributed, and supervised by Americans for the benefit of the people of Poland and not for the benefit of their enemies and invaders; and

"Resolved, That we here solemnly pledge our continued aid and support to the cause of giving aid to the relief of the needy, suffering, and distressed of Poland until they are again free and independent, and are, with other free and civilized people of the world, permitted to carry on their mission for the benefit of freedom, humanity, civilization, and peace.

"The demonstration to which the foregoing resolutions were presented and adopted was under the auspices of the Polish organization of Kenosha, which represents and combines 14 organizations of Kenosha of Americans of Polish ancestry, their church, and their committee in the work of raising funds, helping the cause of Polish relief.

"It also be known that the said committee is operating under the auspices of the Polish-American Council of the United States, which represents and combines the large organizations of Americans of Polish ancestry, their churches, and their institutions raising funds for helping the cause of Polish relief."

Francis J. Dzioba, of Kenosha, chairman of the mass meeting of that date, presented and read the foregoing resolutions, which, upon the motion made and seconded, were adopted unanimously with 1,200 people.

Respectfully submitted for your consideration and action by direction of the mass meeting and by order of the Polish-American Council of Kenosha, Wis., for them and their name.

Polish American Central Council: Ted Szclonski, President; Peter Warolsoka, Vice President; Wacław Szeliga, Secretary; John Dziójonski.

Committee for War Sufferers in Poland, Permit No. 79: Peter Warolsoka, President; Mrs. Anna Hulko, Vice President; Joseph Kontawt; Rev. Leo Kreistein; Frances J. D. Broba; Casimir Nowacki, Secretary.

REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (H. R. 8083) to authorize the Secretary of War to furnish certain markers for certain graves, reported it without amendment and submitted a report (No. 1264) thereon.

Mr. THOMAS of Utah, from the Committee on Education and Labor, to which was referred the joint resolution (S. J. Res. 114) authorizing the Bureau of Labor Statistics to make studies of productivity and labor costs in industry, reported it without amendment and submitted a report (No. 1265) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BAILEY:

S. 3515. A bill to amend the Communications Act of 1934 in order to preserve and protect liberty of expression in radio communication; to the Committee on Interstate Commerce.

By Mr. MINTON:

S. 3516. A bill for the relief of Ellison McCurry; to the Committee on Claims.

By Mr. LUCAS:

S. 3517. A bill for the relief of Frank O. Lowden, James E. Gorman, and Joseph B. Fleming, trustees of the estate of the Choctaw, Oklahoma & Gulf Railroad Co.; to the Committee on Claims.

By Mr. BARBOUR:

S. 3518. A bill to provide for the establishment of one infantry battalion of Negro troops as a part of the National Guard of the State of New Jersey; to the Committee on Military Affairs.

By Mr. BYRD:

S. 3519. A bill for the relief of May E. Barnes; to the Committee on Claims.

By Mr. BARKLEY:

S. 3520. A bill authorizing the appointment of Robert B. Lorch as a major in the Regular Army; to the Committee on Military Affairs.

By Mr. TRUMAN:

S. 3521. A bill for the relief of Harry Gordon; to the Committee on Military Affairs.

By Mr. TYDINGS (for himself and Mr. RADCLIFFE):

S. J. Res. 222. Joint resolution to provide that the compact creating a Potomac Valley Conservancy District may become effective if agreed to by a majority of the parties authorized to enter into it and by Congress; to the Committee on Commerce.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 2008. An act to increase the lump-sum payment made under the Workmen's Compensation Act in cases of permanent total disability suffered prior to February 12, 1927; to the Committee on Education and Labor.

H. R. 4040. An act declaring Devil's Den Springs, in Decatur County, Ga., to be nonnavigable; and

H. R. 6751. An act to repeal certain laws with respect to manifests and vessel permits; to the Committee on Commerce.

H. R. 4828. An act to amend the law limiting the operation of statutes of limitations in certain cases;

H. R. 5292. An act to extend the privilege of retirement to the judges of the District Court for the District of Alaska, the District Court of the United States for Puerto Rico, the District Court for the Virgin Islands, the United States District Court for the District of the Canal Zone, and the United States Court for China;

H. R. 7343. An act to amend certain laws governing Federal prisoners, and for other purposes;

H. R. 7660. An act to amend section 35B of the United States Criminal Code to prohibit purchase or receipt in pledge of clothing and other supplies issued to veterans maintained in Veterans' Administration facilities;

H. R. 8119. An act to amend the Criminal Code so as to confer concurrent jurisdiction on courts of the United States over crimes committed on certain Federal reservations;

H. R. 8238. An act providing for the incorporation of the United Spanish War Veterans; and

H. R. 8399. An act to prohibit the receipt, possession, or disposition of money or property feloniously taken from a bank organized or operating under the laws of the United States or any member of the Federal Reserve System; to the Committee on the Judiciary.

H. R. 5961. An act granting the regents of the University of New Mexico the right to alienate certain lands conveyed to

them under authority of the act of Congress approved August 19, 1935 (49 Stat. 659), in exchange for an equivalent amount of land more expediently situated; to the Committee on Indian Affairs.

H. R. 6443. An act to permit certain aliens whose childhood was spent in the United States, if eligible to citizenship, to become naturalized without filing declaration of intention; to the Committee on Immigration.

H. R. 7081. An act authorizing the Secretary of the Navy to sell certain surplus land owned by the United States in Bremerton, Wash.; to the Committee on Naval Affairs.

H. R. 8150. An act providing for the barring of claims against the United States; to the Committee on Expenditures in the Executive Departments.

H. R. 8350. An act permitting official mail of the Pan American Sanitary Bureau to be transmitted in penalty envelopes; and

H. R. 8398. An act amending acts extending the franking privilege to widows of ex-Presidents of the United States; to the Committee on Post Offices and Post Roads.

H. R. 8446. An act to amend the act entitled "An act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor," approved February 23, 1931, as amended; to the Committee on Foreign Relations.

H. J. Res. 433. Joint resolution to protect the copyrights and patents of foreign exhibitors at the Golden Gate International Exposition, to be held at San Francisco, Calif., in 1940; to the Committee on Patents.

H. J. Res. 448. Joint resolution authorizing the Joint Committee on the Library to procure an oil portrait of Charles Moore; to the Committee on the Library.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT—AMENDMENTS

Mr. THOMAS of Oklahoma and Mr. THOMAS of Utah each submitted an amendment intended to be proposed by them, respectively, to the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, which were ordered to lie on the table and to be printed.

INVESTIGATION OF INTERSTATE RAILROADS AND AFFILIATES

Mr. WHEELER submitted the following resolution (S. Res. 240), which was referred to the Committee on Interstate Commerce:

Resolved, That Senate Resolution 71, Seventy-fourth Congress, first session, agreed to May 20, 1935, authorizing an investigation of railroad financing and certain other matters, as continued by Senate Resolution 227, Seventy-fourth Congress, second session, and Senate Resolution 273, Seventy-fifth Congress, third session, and as amended by Senate Resolution 86, Seventy-fifth Congress, first session, is hereby continued in full force and effect during the sessions, recesses, and adjourned periods of the Senate in the Seventy-seventh Congress, and the Committee on Interstate Commerce is hereby authorized to expend from the contingent fund of the Senate, during such sessions, recesses, and adjourned periods, the amounts heretofore authorized for said purposes.

ADDRESS BY SENATOR SCHWELLENBACH ON CIVIL LIBERTIES

[Mr. NORRIS asked and obtained leave to have printed in the RECORD a radio address on the subject The Relation Between Alien Legislation and Our Civil Liberties delivered by Senator SCHWELLENBACH on February 29, 1940, which appears in the Appendix.]

ADDRESS BY SENATOR SCHWELLENBACH ON THE FIRST 7 YEARS OF THE NEW DEAL

[Mr. TRUMAN asked and obtained leave to have printed in the RECORD a radio address delivered by Senator SCHWELLENBACH on March 4, 1940, on the subject The First 7 Years of the New Deal, which appears in the Appendix.]

O'MAHONEY AMENDMENT TO RECIPROCAL TRADE AGREEMENTS ACT

[Mr. O'MAHONEY asked and obtained leave to have printed in the RECORD an amendment offered by him to House Joint Resolution 407, to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended; an editorial from the Baltimore Sun of March 1, 1940, relative to the argument made by Mr. O'MAHONEY before the

Finance Committee in support of the amendment; a letter from Mr. O'MAHONEY published in the Baltimore Sun of March 5, 1940, replying to the editorial; and a further editorial from the Baltimore Sun of March 5, 1940, which appear in the Appendix.]

ARTICLE BY THOMAS W. LAMONT ON RECIPROCAL-TRADE AGREEMENTS

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an article entitled "Trade Is a Two-Way Street" written by Thomas W. Lamont and published in Collier's for March 9, 1940, which appears in the Appendix.]

THE FARM PROGRAM AND FARM PROGRESS

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a memorandum on the farm program and farm progress, together with certain tables, which appears in the Appendix.]

LETTER FROM RAYMOND CLAPPER TO ERNEST T. WEIR

[Mr. HILL asked and obtained leave to have printed in the RECORD a letter from Raymond Clapper to Ernest T. Weir, published in the Montgomery Advertiser of March 3, 1940, which appears in the Appendix.]

ARTICLE BY GARNETT D. HORNER RELATIVE TO PROPOSED LOAN TO FINLAND

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an article by Garnett D. Horner relative to the proposed loan to Finland, which appears in the Appendix.]

THE LATE FATHER ALPHONSE H. VAN OPPEN

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an editorial from the Catholic Transcript with reference to the late Father Alphonse H. Van Oppen, which appears in the Appendix.]

RECIPROCAL-TARIFF AGREEMENTS—EDITORIALS FROM SIOUX CITY TRIBUNE

[Mr. GURNEY asked and obtained leave to have printed in the RECORD two editorials by O. L. Brownlee, published in the Sioux City Tribune of February 27, 1940, relative to the reciprocal-trade agreements, which appear in the Appendix.]

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

Mr. HATCH. Mr. President—

The VICE PRESIDENT. The question is on the first committee amendment. The Chair recognizes the Senator from New Mexico.

Mr. HATCH. Mr. President, at this time, without attempting to discuss the merits of the legislation now pending before the Senate, I desire to take a few minutes to explain the bill, its purposes, and the means adopted to achieve its objectives.

Senators will recall that at the last session Congress passed a law which, among other things, prohibited political activity on the part of employees of the Federal Government, with certain exceptions. The purpose of the pending measure is to extend exactly the same provision to employees in the States whose employment is made possible by the use of Federal funds or appropriations from the Federal Treasury.

We have tried to approach the task mindful of the difference between the Federal Government and the several States, and mindful of our obligation to protect the funds which the Government itself appropriates, as well as the rights of the States and of the employees who are technically State employees from a legalistic standpoint but nevertheless are perhaps in a greater sense Federal employees, for their employment could not be were it not for the aid given from the Federal Treasury.

In approaching that task we have tried to follow as nearly as possible the exact language of the act we passed last year, which, in turn, was the exact language of the rule of the Civil Service Commission which has been in effect more than 50 years; and that language was originally chosen

because it had been in effect in this country so long and was so thoroughly understood.

Obviously, a great many difficulties were presented by attempting to draft legislation affecting what we call State employees. The original bill, which was prepared by others—in the Department of Justice, in fact—did not altogether suit me because it did not take into consideration some of the differences which exist. Early—in fact, at the first meeting of the Committee on Privileges and Elections—we discussed some of those obstacles and some of the things which gave rise to a rather complicated situation. A subcommittee was appointed, composed of the Senator from Georgia [Mr. GEORGE], the Senator from Vermont [Mr. AUSTIN], the Senator from North Dakota [Mr. NIEL], the Senator from Rhode Island [Mr. GREEN], and myself. We worked on this bill, not once but more than once. I should say that the Senator from Georgia and the Senator from Vermont were not able to attend our subcommittee meetings, but the others of us not only consulted among ourselves and worked in an effort to surmount some of the difficulties but we also called in for advice and counsel lawyers and the Legislative Drafting Service, and tried to work out a reasonable and a practical measure. We could have drafted a much more drastic bill than we have done and still, in my opinion, have been within constitutional limitations.

I may say to Senators that a study of the constitutional powers of the Congress of the United States over elections has convinced me that we have vastly more power than we have ever sought to exercise. In that connection I may say now that this bill and the bill enacted at the last session do not at all meet my ideas of what the Congress eventually should do, and some day must do. I want to see far more stringent and far more far-reaching legislation than is contained in these rather simple measures—the one we have before us today and the bill enacted last year—and some day some Congress is going to exercise the full authority conferred on the Congress by the Constitution of the United States. But, as I said in the beginning, I merely desire at this time to explain what the bill proposes to do.

The first section of the measure is a redraft—

Mr. MINTON. Mr. President, will the Senator yield before he enters upon a discussion of that part of the measure?

The PRESIDING OFFICER (Mr. CONNALLY in the chair). Does the Senator from New Mexico yield to the Senator from Indiana?

Mr. HATCH. I do.

Mr. MINTON. Does the Senator care to discuss at this time how far he thinks the power of the Federal Government goes to control State elections when no Federal officer is being elected?

Mr. HATCH. I really do not care to discuss that question at this time. I can answer the Senator's question very quickly in the way he has presented it. That is, when no Federal official is to be elected I think our powers are nil; that we have not any. My constitutional reference was to elections at which Federal officials are to be elected.

Mr. MINTON and Mr. DANAHER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New Mexico yield; and if so, to whom?

Mr. HATCH. I yield first to the Senator from Indiana.

Mr. MINTON. Mr. President, does not the measure which the Senator is now proposing, in section 12, extend to any election that may be held?

Mr. HATCH. Not under the constitutional grant of power to which I have referred. It approaches the matter from another angle only, namely, the control of employees who I say are essentially Federal employees.

Mr. MINTON. Then, if I correctly understand the Senator's position, it is that the Federal Government has not any power to control a wholly State election, but it may exercise the power to grant or withhold funds so as to try to control such an election. Is that the Senator's position?

Mr. HATCH. The Senator is altogether misstating my position. There are several grounds upon which we may enact this type of legislation. The Senator asked me the

specific question what power the Federal Government had to control directly State elections when no Federal officer was involved. I answered that question, "None"; but we do have control over the funds we appropriate from the Treasury; we do have control over our own employees; and I also think we have control over other employees whose employment we make possible by appropriations from the Federal Treasury.

Mr. MINTON. The Senator has admitted that we have no control over the conduct of a State election. Does the Senator contend that the Federal Government may use some power that it does have in order to coerce a State and State employees and State electors in a field in which the Federal Government has no power at all to act?

Mr. HATCH. At this time I am not going to be diverted by the questions the Senator from Indiana is propounding. I understand his view of the word "coerce" as meaning to intimidate. He probably expects to argue eloquently that this bill is a coercion of the States. That is not my position.

Mr. MINTON. I have not gotten to that position. I should not expect the Senator to admit that.

The PRESIDING OFFICER. Will Senators please speak so that they may be heard by other Senators in the Chamber?

Mr. MINTON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New Mexico further yield to the Senator from Indiana?

Mr. HATCH. I will say to the Senator from Indiana that when I have concluded explaining the bill I will be glad to answer any question asked.

Mr. McNARY. I rise to a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. McNARY. The Senator should address the Senate, and speak loudly enough so that we can hear. This is a most interesting colloquy, I am sure.

The PRESIDING OFFICER. The Chair has just admonished the Senator to that effect. The Chair thanks the Senator from Oregon for reinforcing his suggestion.

Mr. HATCH. I thank the Senator from Oregon, and I thank the Chair.

The PRESIDING OFFICER. Senators will take note that this is a session of the Senate, and private colloquies should be carried on in the cloakroom.

Mr. HATCH. Mr. President, the Senator from New Mexico appreciates the rulings of the Chair and the assistance of the Senator from Oregon. In the colloquy which was taking place between the Senator from Indiana and myself I had just told the Senator from Indiana that I preferred to proceed with the explanation of the bill. After I have finished doing that, if he or any other Senator desires to ask any questions, I will endeavor to answer the questions they may ask to the best of my ability, but for the present I prefer to tell what the bill provides.

The first section of the bill copies section 2 of the original act, which forbids the use of official authority to interfere with or control an election, and that language came from the civil-service rules.

The language, "use his official authority," has been criticized as being indefinite and vague, and on the ground that it is hard to determine where official authority ends and private action begins. I do not think that is so difficult of determination. The words are not new; they have been used not only in rules, but in law, many times. That particular language will give no trouble whatsoever to anyone who seeks honestly to abide by the law.

Mr. President, the use of official authority is made an offense punishable by fine and imprisonment, or both. I think it should be made an offense. I think that any official who uses the powers of office entrusted to him to control or dominate elections should be punished.

The second section of the bill is unimportant. It merely relates to a clerical error in the original act.

The third section is the section which brings forth the discussion, and to which objection is raised.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. VANDENBERG. Before the Senator leaves the other sections I should like to ask for a further definition of the persons affected, and perhaps I might personify my inquiry by making it specific. Would the pending bill prevent the State highway commissioner of a State from running for Governor of his State while he was State highway commissioner?

Mr. HATCH. In my State it would, because highway commissioners in New Mexico are appointive officers and exercise no policy-making function. The answer to the Senator's question would depend upon the character of the duties of the official he mentions under the law of his own State.

Mr. VANDENBERG. In Michigan the commissioner is an elective official. Therefore, what would the Senator's answer be?

Mr. HATCH. I would say that an elective official, probably being charged also with policy-making functions in his department, would not be included in the bill and would be permitted to run for any office he might see fit to seek.

Mr. VANDENBERG. But would the proposed act circumscribe him with respect to the use of any official authority?

Mr. HATCH. It would. He could not use his official authority. He could not say to the employees in his department, "Go out and work for me. I am a candidate for Governor." That would be prohibited.

Mr. VANDENBERG. And all his subordinate staff would be completely prohibited from participating in his campaign?

Mr. HATCH. They would be.

Mr. VANDENBERG. I thank the Senator.

Mr. LUCAS. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Illinois?

Mr. HATCH. I yield.

Mr. LUCAS. Taking the example cited by the distinguished Senator from Michigan, how can the highway commissioner, when he becomes a candidate for some public office, dissociate himself of the official authority which he has as the result of his election? Is it not true that the fact that he holds that position and exercises a dual capacity automatically brings him under the term "official authority," as used in section 3?

Mr. HATCH. I do not think so.

Mr. LUCAS. How could he dissociate himself from using that official authority as long as he was an elected official?

Mr. HATCH. By not using his official authority, that is all.

Mr. LUCAS. If he is the duly elected highway official of the State, and is going to continue to exercise the duties of his office, and at the same time become a candidate for public office, in my humble opinion he cannot dissociate the two, and the mere fact that he becomes a candidate for public office under such circumstances will automatically compel him to use his official authority. He cannot get away from it.

Mr. HATCH. Frankly, if there was any doubt in his mind about it, and he wanted to run for Governor, he could very easily resign as highway commissioner, or whatever position he held. I think it would be a very laudable thing for him to do.

Mr. LUCAS. Is not that exactly what he would have to do if he wanted to remove himself from the ban of section 3, under a strict construction of what "official authority" is?

Mr. HATCH. I do not agree with the Senator.

Mr. MINTON. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Indiana?

Mr. HATCH. I yield.

Mr. MINTON. The construction which the Senator puts upon the bill in answer to the question of the Senator from Michigan is to the effect that the office indicated would be an administrative office in the opinion of the Senator from New Mexico. Is that correct? The Senator from New Mexico would construe the Commissioner of Highways of Michigan to be in the administrative department of that State,

and therefore that he would be within the purview of the bill?

Mr. HATCH. It is very difficult to construe or apply a provision to any specific case when we do not know the duties or the functions of the office, or what is involved. It is largely guesswork.

Mr. MINTON. Mr. President, if the Senator will yield, let me ask him a further question. Certainly under section 1 of the bill now before the Senate one who is not in an administrative branch of the Government may use his influence to affect an election. Is not that correct?

Mr. HATCH. No.

Mr. MINTON. Is it not possible for the Governor of a State, or the President of the United States, or Members of his Cabinet, or Members of Congress, either the Senate or the House, to use their official authority to influence or interfere with or affect an election?

Mr. HATCH. Possibly a Member of the House, if one could conceive of that, but no other of the officials named.

Mr. MINTON. Is not section 1 of the bill now before us limited to those in the administrative department?

Mr. HATCH. Yes.

Mr. MINTON. Then, if it is limited to those in the administrative department, it does not affect those in the executive and the legislative.

Mr. HATCH. The Senator is combining several questions in one.

The PRESIDING OFFICER. The Chair calls the attention of the Senators to the former suggestion of the Chair.

Mr. HATCH. I beg the pardon of the Chair. It is almost impossible to get away from holding a private colloquy, Senators are so close together. I was about to remark that in his question the Senator from Indiana has combined several things not included in the section, referring to the President of the United States and Senators to whom the section does not refer at all.

I think that in the interest of orderly procedure, if I may, I shall not yield further now, but continue the explanation of the bill, and get that out of the way.

The PRESIDING OFFICER. The Senator from New Mexico refuses to yield further, and other Senators will respect his request.

Mr. HATCH. Section 3 of the bill, which I had started to discuss, is the one which affects directly the employees of the States in vast numbers, and provides, in substance, that they shall not engage in political activities. That provision, Mr. President, was the one which gave us difficulty in drafting. The provision we are now discussing is an amendment which was worked out by the subcommittee, with the aid of others. It was easy enough to write a provision against political activity. All we had to do, of course, was to copy the language of the existing law, the civil-service rule, or adopt new language making such prohibition. But the difficulty arose in trying to work out some method of enforcement. We could say to our own employees, as we did say to those over whom we exercise complete control, "If you violate this law you shall lose or forfeit your position," and we had the means of enforcing that in all the departments under the Federal Government. We do not have such means with reference to the States. The Congress of the United States could not say that if a particular man did the prohibited act he must be discharged, and then proceed to discharge him or have him discharged. There is no such power as that. There was the question of how far the Congress should go with such legislation.

Finally—and Senators may be surprised at this statement—we decided on the theory which is already embodied in existing law, which the Congress has already used, and which is being used today in different agencies, and with funds which the Congress appropriates; we adopted the theory of first forbidding political activities of State employees as we have forbidden them on the part of our own employees, and then we provided that if that provision should be violated we would withhold from the particular State whatever part of the funds being granted or loaned to the State in the particular activity as may be necessary, not to punish the State but to procure

compliance with the nonpolitical provision of the law which, I take it, the Senator from Indiana is going to say is a method and means of coercing the States and forcing them to comply with standards which we set up. It needs no justification at all; it is a method which has already been adopted by the Congress, and I have heard no word from any of the distinguished and honorable gentlemen who so vigorously oppose this measure in opposition to those in other cases. It is a practice which has been invoked by departments to some extent without any congressional authority.

Last session we wrote into the Social Security Act an amendment, of which I approved heartily, which I favored, and which is now the law. But in that provision did we prohibit only the political activities of employees who are paid in part by Federal funds? No. We required the States to set up a merit system, and they have done it. Practically every State in the Union has already done it for those employees, State employees, if you please, who are so jealously safeguarded and protected today, and the States are required to comply with the standards set up here in Washington by the Social Security Board.

I wish to say that it was a fine piece of legislation; it was a splendid thing we did. And the regulations set up by the Board, and with which the States are complying are admirable. The Board has not gone to any extremes whatever. With respect to political activity, for instance, it adopted practically the same rule we adopted in the law—the rule which has governed the Civil Service Commission for all these years. And it is working very satisfactorily. I hear no great complaint about it.

In my own State the national committee woman for a long time, my personal friend of many years, one of the leaders in the Democratic Party, with whom I have been associated in many campaigns, was the head of the State social-security board. Did she hesitate? Not at all. She resigned her party office, and is performing her duties efficiently and well, and the law in question is working no hardship and no injustice on anyone.

I wish to make clear the point about the Social Security Board, because I myself have said that I want to bring social-security employees under the terms of this measure. I want to write specifically into the law what the Board have already done by the merit system, which they have been required to set up; but I also want to make it clear that those in the Social Security Administration are already under this provision, some 60,000 or 80,000 employees in the States are already complying with it.

So far as the Agricultural Department is concerned, I was told last Sunday that the county committeemen were under the ban of the act we passed last year, and that the Solicitor had so ruled. I wondered about that, because those committeemen are really employees of the farmers. They are paid out of the farmers' funds and are not paid by the Federal Government. I made a little investigation and was told that the newspaper which originally made the statement was incorrect. The Department of Agriculture has established its own regulations prohibiting the officials referred to from participating in political activities.

I mention these things, Senators, to show that I believe some persons are unduly alarmed by this bill; that the precedents already have been established and that the practice is growing. There is no use denying the fact that removing employees and officials from political activity is a growing practice which some day will have universal application. The question is, Shall we do it now or some other time?

In connection with this measure I have said that control is exercised by withholding funds. In that way we are merely exercising control over Federal funds. We are merely saying that Government funds shall not be used for this purpose. A State can permit its employees to engage in politics and to be as active as they please, but Federal funds from the Federal Treasury will not be used for this purpose. They will be withheld if those who receive them engage in political activity.

Is that coercion or intimidation? I do not think so. I think it is reasonable and just legislation.

After having decided upon that method of enforcement, there was still another problem before us, a problem which had developed under the last law on this subject. Under that law each department, except as to the criminal provisions, enforces the regulations. We are now dealing with a matter which might embrace many different departments. Each department would be charged with enforcing the provisions. It would also be charged with adopting its own regulations. We see a great chance there for confusion and disorder. One department might say one thing, another department something else. Employees in one department might commit acts for which employees in another department would either be discharged, or by reason of which the State would lose funds. That did not sound well to us. So finally we hit upon the plan of placing the enforcement of this measure under the United States Civil Service Commission. This measure and the act we passed at the last session consolidate the duty and the responsibility of enforcement in the one department of the Government which has been dealing with this subject for many years.

I am particularly pleased with that provision. One of the objections I had to the original act was that there was no place to go to make complaints, there was no one to enforce the regulations, no one legally to promulgate or define regulations. It seemed to me necessary, especially in view of the proposed extension of the legislation to apply to employees of the States, that there be some particular head charged with full duty and responsibility for its enforcement.

The Civil Service Commission has been enforcing similar provisions through for years and knows the meaning of the language and how the law should be enforced. I do not think anyone can say that the Civil Service Commission has gone very far afield in its enforcement of the act. If it has erred, probably it has been on the side of leniency so far as my knowledge is concerned. With that agency in charge there will be a reasonable, fair, and, I am sure, a just enforcement of the measure. That is all any of us should ask or require.

Of course, I have not carefully explained all the details as to how the Commission is to enforce the act. I am merely trying to give the high lights of what the bill provides. The bill specifically says that no funds shall be withheld from a State, for instance, without notice and opportunity for hearing being given to that State—something which is not provided for in some of the other resolutions and laws I have mentioned. I think that is a very valuable addition to the bill. It was made upon the suggestion of the chairman of the committee, the Senator from Georgia [Mr. GEORGE], and I was very glad to accept it. I think its inclusion has improved the bill immensely.

The next section of the bill relates only to the District of Columbia. It corrects an omission in the original act. The District of Columbia was not named in it. It applied only to employees of the Federal Government. There is quite a difference of opinion about the employees in the District. Some contend that they are employees of the Federal Government and as such are covered by the act we passed last year. Others say they are not employees of the Federal Government, but are employees of the District of Columbia and do not come under that act. To make the matter clear we added a section bringing them within the terms of the act which was passed last year. They are our own employees, and there is no question about our right to legislate as to them.

Section 15, the last section of the bill, gives to the Civil Service Commission the power I have heretofore mentioned to define the term "active part in political management or in political campaigns" used in the bill. It also gives the power to issue rules and regulations for the enforcement of the act and to amend them from time to time as may be necessary. I know there is criticism of that provision. I know that my distinguished friend from Illinois [Mr. LUCAS] thinks the bill ought to define the term "political activity." I am not anticipating the Senator's argument, but I do wish to mention that question.

I do not think the bill ought to define the term "political activity." If anyone has ever attempted to sit down and write

a definition of that term, he will readily see the difficulties which would be encountered. In the first place, such a provision would make a hard and fast definition which could not be altered or changed except by congressional enactment. These terms have been in the civil-service law for years. So far as I know, the Civil Service Commission itself has never written out any hard and fast definition, largely on account of the thing I have mentioned. However, by opinions and decisions in specific cases, from time to time it has built up practically a body of common law for the civil service, to which reference is made in construing the term "political activity."

With that experience, and with the power in the Commission to amend as experience grows and time passes, the Commission will be enabled to write a very fair definition of this term. I think one should be written, not only for the States but also in connection with the enforcement of the law of last year, so that all employees—Federal, State, and District of Columbia—will have an exact definition and have the knowledge and information before them. I think such a definition can be written without much trouble.

Already more than half a million Federal employees are under the prohibitions of the law passed last year. A great many more were already under such prohibitions than were brought under them. Such prohibitions already existed in many of the States. By virtue of the law passed last year, and under departmental regulations, a great many so-called State employees are under the same prohibitions.

Mr. President, I think the law should be extended to every employee whose employment is made possible by appropriations from the Federal Treasury. It should be extended not only to the States but also—as the bill provides—to every employee in every agency of the State government, which would include municipalities and cities. Every such employee, with the exception of certain heads of departments, should be brought under the provisions of the act. We have attempted to grant exemptions to policy-making officials, in accordance with the provisions of the original act.

Mr. President, I have now finished my explanation of the bill.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. McCARRAN. Does the last section of the pending measure contemplate the application of Federal civil-service control to the departments of each sovereign State?

Mr. HATCH. Not at all. It relates only to political activity. That is the difference between the bill and the law passed last year, under which the Social Security Board reaches down into the various State departments with a complete merit system.

The Senator from West Virginia [Mr. NEELY] is seated in front of me, doing me the honor of listening to me. I understand that the bill which he proposes to offer as a substitute for the pending bill reaches down into the States to a greater degree than the pending measure. That is the reason why I prefer the bill we have worked out to his bill. His bill goes so far that I doubt the practicability of it, and I doubt whether the Congress should undertake such legislation at this time.

Mr. McCARRAN. Let me say to the Senator from New Mexico that my understanding of the bill now pending is that it does not give the Federal Civil Service Commission authority over State employees, even though the State employees may be paid in part from funds of the Federal Government.

Mr. HATCH. The Senator is entirely correct.

Mr. McCARRAN. Is the Senator quite content, and is he assured that the power and authority of the Federal Civil Service Commission cannot, through the avenue he has laid open, completely enter into control of State activities? If I correctly understand, the Senator has laid open an avenue by which the Federal Civil Service Commission partially enters into the States, by means of a definition of the term "political activity." Is that the limitation of the authority granted to the Federal Civil Service Commission?

Mr. HATCH. No; it is not. It not only defines "political activity," but it is the enforcing agency. For example, the Bureau of Public Roads might determine that the highway

department in a certain State is being politically active, contrary to the law. It would make a complaint to the Civil Service Commission that such political activity was going on. Then the Civil Service Commission would have to notify the State and let the State be heard on the question before any funds could be withheld. Then if the Civil Service Commission found the facts to be as alleged, and that the law was being violated, it would certify to the appropriate agency the amount of funds to be withheld, either permanently or conditionally.

Mr. McCARRAN. The highway commission in my own State consists of elective officers. The Governor, the comptroller, and the secretary of State constitute the highway commission. I take it the Senator's understanding of his own bill is that it would not give to the civil-service authority of the Federal Government any control over the State highway commission.

Mr. HATCH. It would not.

Mr. McCARRAN. Highway engineers are appointed by the State highway commission. Is there anything in the Senator's bill which would be susceptible of being construed to prevent the highway commission, consisting of the Governor, the comptroller, and the secretary of state, from dismissing at will a highway engineer, or any other employee of the highway department?

Mr. HATCH. Not a thing. Those are the facts which caused me to say that when we approached the subject there were many such complications, and we tried to avoid extremes and to work out just as reasonable and practicable a measure as we could, considering the vast number of complicated questions which may arise. We have avoided the thing which the Senator mentions.

Mr. McCARRAN. I am supporting the Senator's bill because I think I know what the Senator's bill means. If I thought for a moment that the bill, or any part of it, could be so construed as to take out of the hands of the duly elected State authorities the power to regulate and control to the last degree all activities of State employees, then I could not in conscience support the bill.

Mr. NEELY. It takes out of the hands of State officials control over political activity.

Mr. HATCH. The present law prohibits political activity. I will say to the Senator from Nevada that the bill does not do what he mentions.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. LUCAS. The suggestion made by the Senator from Nevada with respect to the highway commission composed of public officials duly elected for 4 years brings to my mind this question: As I understand, the bill as now written provides a penalty if a State highway commissioner is found guilty of violating the law. He is an elected official. As I understand, the Civil Service Commission is to have the power, and the sole power, to say to the Governor, or to some one in the State, that an individual who violates the law must be removed from public office; and if he is not removed from public office for violation of the law, then it is the duty of the Bureau of Public Roads, on certification from the Civil Service Commission, to withhold the funds.

I am wondering how the bill would meet the situation if an elected official, or an official who is confirmed by the senate of the State, is charged with a violation of the law. As I understand, he may be discharged only for malfeasance in office.

Mr. HATCH. Of course the Senator's question is answered by the bill itself.

Mr. LUCAS. Mr. President, will the Senator further yield?

Mr. HATCH. I yield.

Mr. LUCAS. Would the Civil Service Commission have power to withhold the funds regardless of the provision which says that the guilty person must be discharged from employment?

Mr. HATCH. Elective offices are expressly exempted.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. BYRNES. I wish to ask a question as to subsection (b), on page 6 of the bill, which reads in part as follows:

If in any case the Commission finds that such officer or employee has not been removed from his office or employment within a reasonable time after such notification, or that he has been so removed and has subsequently (within a period of 18 months) been appointed to any office or employment in any State or local agency in such State, the Commission shall determine and certify to the appropriate Federal agency an additional amount to be similarly withheld from a loan or grant to a State or local agency within such State.

Assuming that an employee of a vocational education organization to which a grant is made who comes within the provisions of the bill should be reported, and should be determined by the Commission to have violated the provisions of the proposed statute as to participation in a political campaign, and upon the notification by the Commission to the State organization that man must be dismissed, but within a period of 18 months the city of Baltimore, say, in the State of Maryland, should employ that man upon the streets by the action of a local agency, and the Commission should certify to the vocational education agency an amount to be withheld from a loan or grant, the question that occurs to me is that the determination as to the employment of an individual by a municipality would be beyond the power of the State organization. It could not affect it; it would be in no way responsible for the employment of a man, but, because a county organization or a city organization did employ him, am I correct in believing that the Civil Service Commission would then take funds from the vocational education agency?

Mr. HATCH. It could do it. May I explain that to the Senator?

Mr. BYRNES. Yes; that is what I desire.

Mr. HATCH. The Senator has put his finger on another one of those places which gave us a great deal of difficulty in the committee. Practically this is what we were striking at in connection with withholding funds: I will not call any State to mind; we all are more or less familiar with conditions which have happened in all our States at some time or other; but, for instance, there is a political campaign going on and the Governor, we will say, is running for reelection. He has charge of the highway department, and he puts on 500 employees 30 days before the election.

Recently, in the case of a congressional election there was a report of something like that going on in the past 10 days, and one of the local papers carried a story about it. Those 500 employees are not put on to do highway work; they are put on for political purposes. They draw their pay; they know what it is for, and they render the service for which they are employed. There were not that many involved, because we do not have much money, but such a thing happened in my State. So I am not saying anything about any other State that I do not say about my own.

In such a case there is a misuse of Federal funds and a violation of the law. Very well. The Bureau of Public Roads learns about it, and probably the election is over before they ever learn about it; but, if it is not, they file a complaint with the Civil Service Commission and the Civil Service Commission gives notice. The election being over before any hearing is held, the Governor comes right in and says, "Yes, sir, you are exactly right; those men were engaged in political activity, and I will discharge every last one of them." He never intended to keep them, anyway, after the election. That is not an extreme case; it has happened many times in this country.

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. CONNALLY in the chair). Does the Senator from New Mexico yield to the Senator from Kentucky?

Mr. HATCH. I yield.

Mr. BARKLEY. I am interested in the Senator's answer to the Senator from South Carolina.

Mr. HATCH. I will pursue the matter a little further. There may be some men in the crowd who are dismissed from a particular job; but they are shifted over into some other department and thus the law is absolutely evaded. I am not

sure that the interpretation is correct, but it would be very easy for the Governor to call up the mayor of some city, and say, "I cannot hire this man; but you put him to work for me." The mayor says, "All right; I have no place for him but I will take John Jones from your employees and put him to work and let you have Bill Smith and you can put him to work." That may sound fantastic and unreasonable, but things like that do happen. Whether we have met such situations wisely or in the best way possible, I do not know.

Mr. BYRNES. The Senator does not say, on the other hand, that an official of the city of Baltimore who was opposed to a particular Federal agency could give employment to the discharged employee, and when he gave employment to him he would force the Civil Service Commission to take funds from that agency. If that is true, while it is a fantastic suggestion, at least it should be covered.

Mr. HATCH. Of course, an impartial board will administer the law. We had drawn originally an arbitrary rule under which funds had to be withheld, but we thought about the things the Senator has mentioned—

Mr. BYRNES. The committee did not think of limiting it so as to affect the case of some other organization reemploying the offending employee?

Mr. HATCH. We discussed that, yes; and we discussed it thinking of other exchanges which could be made.

The evil I have portrayed is not far-fetched. If the Senator has a better way of getting at it, I will be very glad to know of it, and I say that about the whole bill. There is no pride of authorship in this matter. The committee took suggestions—

Mr. BARKLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Kentucky?

Mr. HATCH. I will yield in a moment.

The subcommittee considered all suggestions which were offered, as did the full committee.

Mr. BARKLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Kentucky?

Mr. HATCH. The Senator from New Mexico announced—and he is sorry the Chair did not hear him—that he would yield in a moment. I now yield to the Senator from Kentucky.

Mr. BARKLEY. Pursuing a little further the inquiry of the Senator from South Carolina, it is, of course, possible to understand that a Governor and a mayor might enter into collusion to bring about the reemployment of somebody in the city of Baltimore or any other city.

Mr. HATCH. I would not term it "collusion." It has been done. In fact, it is a rather common practice for officials to change back and forth; that has been done.

Mr. BARKLEY. It might be possible for a Governor and a mayor to enter into an agreement by which the mayor would reemploy somebody whom the Governor could not reemploy, but if the mayor desired to employ a man and the Governor did not want him reemployed because it might result in the loss of funds to the State, the Governor could not prevent that. For instance, if some employee, no matter how far down the line, has been found guilty of violating this law, it is provided that even before he is discharged the State shall have funds withheld from it. Then, if he is not discharged, more funds are withheld. I am wondering whether it would not be better to have the Civil Service Commission, when a violation is discovered and established, say to the authority of the State, "Unless you discharge the offending employee we will withhold funds," instead of saying, "We will withhold them anyway, whether you discharge him or not, and then later when you are required to discharge him if you do not do so we will hold back some more." Has the Senator gone into that feature?

Mr. HATCH. Yes; that is the reason I suggested in my answer to the Senator from South Carolina that if 500 men are employed on highways within 30 days of the election, and after the election is over the Commission may say, "If you do not discharge them we are going to take money from

you," the Governor may have discharged them already, for he only employed them for a 30-day period.

Mr. BARKLEY. Of course, in a case like that it would probably take the Civil Service Commission 30 days to find out whether there had been a violation, and the employees would be off the pay roll before any finding could be made, but the point I am making, and that is the matter which troubles me—

Mr. HATCH. It troubled us even more.

Mr. BARKLEY. In connection with the question raised by the Senator from South Carolina is that if a mayor and Governor were not in agreement and the mayor desired to reappoint somebody in the city, the result of which would be to withhold funds from the State, the Governor could not prevent that, and no other State officer could prevent it. While they might agree on the appointment in certain cases, if they were not in agreement the Governor could not prevent the mayor from appointing anybody whose appointment would result in the withdrawal of funds from the State, and the State could not help itself.

Another point raised is whether, in advance of any effort to correct the situation which results in the withholding of funds, the funds are to be withheld as a penalty for the original violation instead of discharging a guilty employee as a penalty to him. It may be that many times employees down the line would be guilty of political activity without their supporters knowing anything about it, without the Governor knowing anything about it, without the secretary of state or the highway commissioner knowing anything about it. The question is whether, when political activities have been discovered on the part of some little fellow down the line who is politically appointed, the whole State should be required to suffer by the withholding of funds in advance of any penalty assessed against the guilty employee. It seems to me that is a matter worthy of very serious consideration.

Mr. HATCH. There is no question about that, and we discussed that fully in the committee.

Mr. DANAHER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Connecticut?

Mr. HATCH. I yield.

Mr. DANAHER. I should like, with the Senator's forbearance, to ask a few questions, if I may. Inviting the Senator's attention to page 4, line 16, we find this expression:

No officer or employee of any State or local agency who exercises any function in connection with any activity which is financed in whole or in part by loans or grants made by the United States—

And in inviting the Senator's attention further to the particular language, "who exercises any function," would the Senator say that that would include an attorney who looks up titles for a highway commissioner in a land-condemnation case?

Mr. HATCH. I would not say so at all. Such a one would not be an "officer or employee."

Mr. DANAHER. The Senator would not consider that to be such a degree of employment as would bring such a person within that language?

Mr. HATCH. No.

Mr. DANAHER. Would the Senator state for the RECORD the type of employee or officer to whom he does allude as a matter of intention?

Mr. HATCH. The regular employees performing the usual customary duties of the particular office or employment.

Mr. DANAHER. Would a professor in a land-grant university or college, for instance, be included?

Mr. HATCH. Yes; he would be; and I think he should be. Most of the land-grant colleges have their own rules which prevent their professors from engaging in political activities.

Mr. DANAHER. And, of course, it would include the un-employment-compensation employees of a State.

Mr. CLARK of Missouri. More than anybody else, it ought to.

Mr. HATCH. It should apply to them.

Mr. DANAHER. And it would include, therefore, all the classes of officers who hitherto, by this very Congress, have

been included within the income-tax legislation. As the Senator will remember, we have created specific exemptions of a class of employees who receive their pay in whole or in part from Federal funds, and I assume that the legal definition of our own exception would apply to all within that class and make this language thus applicable to that class.

Mr. HATCH. I think so, although, frankly, I am not quite clear in my mind what employees the Senator refers to.

Mr. DANAHER. It is a matter of record, and we can easily bring them in. Will the Senator further yield?

The PRESIDING OFFICER. Does the Senator from New Mexico further yield to the Senator from Connecticut?

Mr. HATCH. I yield.

Mr. DANAHER. Directing the Senator's attention to lines 21 and 22 on page 4, the bill says:

No such officer or employee shall take any active part in political management or in political campaigns.

On page 5, in subsection (b), we find that the Civil Service Commission—

shall determine whether any violation of such subsection has occurred.

Does the violation referred to in subsection (b) on page 5 include lines 21 and 22 on page 4?

Mr. HATCH. They are the ones that it is intended to include above everything else. If they are not included, they certainly ought to be included. I think they are.

Mr. DANAHER. Then, Mr. President, I ask the Senator if it is not true that there is no provision in subsection (b) for a hearing to be accorded to an individual accused of such violation?

Mr. HATCH. No authority is exercised over the individual. The State is given a hearing. It may make a defense of the agencies of the State.

Mr. DANAHER. Will the Senator show where in subsection (b) it is provided that a State may be given a hearing as to any charge of political participation by one of its officers?

Mr. HATCH. It provides that before any funds shall be withheld there shall be notice of opportunity to be heard.

Mr. DANAHER. Mr. President, let me call to the Senator's attention the fact that by his own very language, in lines 19 and 20, page 5, the bill says:

If the Commission determines that any such violation has occurred—

Then there is a hearing as to how much the penalty shall be; but there is not any hearing first as to whether or not a violation has occurred.

Mr. HATCH. Let me explain that. I see the point the Senator makes. I will say to him that that is just a safeguard clause. Of course, under this bill, anyone may make a complaint to the United States Civil Service Commission. The complaints may come from any source in the world. As the original bill was drawn, the Commission might have been justified in withholding funds right there, upon that complaint. We said, "No; the first thing the Commission must do is to investigate and see whether or not there has been any violation of the law."

The Senator was formerly a prosecuting attorney. He always conducted investigations before he filed a complaint. He determined that the law had been violated before any hearing, even a preliminary hearing, was held. So the Commission must investigate, and must determine that there has been a violation of law. Having determined that fact, then notice and hearing are given.

We are just trying to take most orderly, commonplace steps. There is no intention on the part of the committee to shut out anybody. It was our desire to give everybody a full opportunity to be heard. We want to be just as fair and reasonable with this measure as we can.

Mr. DANAHER. Mr. President, will the Senator further yield?

The PRESIDING OFFICER. Does the Senator from New Mexico further yield to the Senator from Connecticut?

Mr. HATCH. I yield.

Mr. DANAHER. Let me first call to the Senator's attention the fact that the inquiry of a prosecutor is to determine whether or not there is reasonable cause to believe that some statute or some law has been violated. If he so determines, and lodges his information, then a court determines whether or not in fact there has been a violation; but the individual who is charged has an opportunity to be heard.

Under the Senator's statute—if it should become such—one accused of political participation, upon the determination of a Civil Service Commission, without any provision whatever for a hearing, is not only barred from employment by the State, but he is barred from employment by any other political subdivision of the State; and, in addition, the State itself is subject to a possible penalty to be determined by the Commission after it decides the matter *ex parte*, if you choose, so far as the bill proceeds; and after the Commission determines that a violation has occurred it may withhold by way of penalty as much or as little of the funds as it decides. Is not that so?

Mr. HATCH. No.

Mr. DANAHER. In what particular is my conclusion open to criticism?

Mr. HATCH. One particular is the Senator's statement with reference to an *ex parte* proceeding. That is entirely wrong.

Mr. DANAHER. It is not an *ex parte* proceeding?

Mr. HATCH. No. There must be opportunity for notice and hearing; and what does hearing include?

Mr. DANAHER. Where does the Senator find that provision? That is the very thing in which I am most interested.

Let me say to the Senator that I have prepared an amendment, and for purposes of discussion I should like permission to offer it now and let it lie on the table.

Mr. HATCH. What is the Senator's amendment? Will he read it?

Mr. DANAHER. Yes; I will.

If the Senator will please look at page 5, line 18 of the bill, he will find that it now says this. The sentence commences in line 15:

Upon the receipt of any such report, or upon the receipt of any other information which seems to the Commission to warrant an investigation, the Commission shall—

And now I insert—

forthwith by registered mail give notice to any such officer or employee and to the State or local agency employing such officer or employee of the pendency of the charge, in which notice shall be set forth, a summary of the alleged violation and of the time and place for a hearing upon said charge, at which hearing (which shall be not earlier than 10 days thereafter) either the officer or employee or the State or local agency, or both, may appear with counsel and be heard, whereupon said Commission—

And now we revert to the bill—

shall determine whether any violation of such subsection has occurred.

In that way we not only insure notice to the individual of the nature of his alleged offense but the State itself has a chance to appear, and a full hearing then may be had by the Civil Service Commission.

Does not the Senator feel that, appropriately to remove any doubt, such an amendment should be accepted?

Mr. HATCH. I do not quite agree with all the amendment as the Senator has read it. I am not in disagreement as to the principle of having a hearing before the funds are withheld; and the bill does provide for that. If it is not adequately provided for, I shall be perfectly willing to have it done. I think probably the amendment offered by the Senator contains matter which perhaps should not be in it; but, as I say, I shall immediately look at the amendment.

Mr. DANAHER. Mr. President, let me point out, then, in conclusion, that it is perfectly clear that the Senator from New Mexico wants to have a hearing after it has been determined that a violation has occurred. The hearing, however, is only on the penalty. It does not for one moment, in that language, provide for any hearing whatever for the person accused of violating the statute. Consequently, it would mean that an individual may lose his job and lose for 18

months his opportunity for a livelihood in any division of the State. Therefore I believe we ought to amend the bill in that respect, and I ask the Senator from New Mexico to consider acceptance of the amendment which I send to the desk and ask to have lie on the table until an opportunity appropriately to offer it shall occur.

The PRESIDING OFFICER. Without objection, the amendment will be received and lie on the table.

Mr. BROWN. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Michigan?

Mr. HATCH. One minute. I cannot yield just now, because the Senator from Connecticut has seen fit to interpret and construe my motives and intentions, and has said that the Senator from New Mexico does not intend to have a hearing on whether or not there has been a violation of the law. In that respect the Senator from Connecticut is just as wrong as it is possible for human beings to be wrong.

I now yield to the Senator from Michigan.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. HATCH. I had yielded to the Senator from Michigan. I shall be glad later to yield to the Senator from Connecticut.

Mr. BROWN. I am perfectly willing to defer my inquiry until the Senators have settled their dispute.

Mr. DANAHER. There is not any dispute, I am sure. I simply wanted to say to the Senator from New Mexico that I have been at least as wrong as he says a human being can be, but I do not think I am in this case; but, in any event, whether I am or not, if the Senator will now indicate where in the bill there is provision for notice to an accused, and for a summary of the charge against him, and for a hearing on that charge, I should like to have him do it.

Mr. HATCH. The point about which I disagreed with the Senator was what he was interpreting my intentions to be.

Mr. BROWN. Mr. President—

Mr. HATCH. I yield to the Senator from Michigan.

Mr. BROWN. I desire to call attention to two fundamental matters in the bill and ask the author of the bill with regard to them.

The first section of the bill, which I think is called section 2, relates to the prohibition of the use of official authority by the higher-up officers of a State government and employees of the State who are paid in part from Federal funds, or who direct activities in connection with which the Federal Government makes contributions. Is that statement substantially correct?

Mr. HATCH. It is correct.

Mr. BROWN. What penalty is provided in the bill for any violation of section 2 of the act?

Mr. HATCH. That is in the original act.

Mr. BROWN. That is in the original act, and that provides for a fine of a thousand dollars or imprisonment for 1 year, or both.

Mr. HATCH. That is correct.

Mr. BROWN. In what is known as section 12, on page 4 of the bill, we find a prohibition which applies to minor officials, those who are not policy making, those who are not elected, and that is where we have a prohibition against any participation in a political campaign. What penalty, if any, is provided against one who violates the provisions of section 12?

Mr. HATCH. That is the difficulty with which we were confronted, about the power of the Federal Government. We do not have any power to remove one from office, as we did under our original act, so we adopted the approach of withholding funds, and then, if the State insisted on retaining employees who violated the act, and insisted on their going ahead with political activities, we could add a still further withdrawal or withholding of funds from the States.

Mr. BROWN. Of course, there is, and in the Senator's judgment there could be no criminal penalty against a person who violates section 12.

Mr. HATCH. That is quite correct, and there should not be. The type of thing prohibited by section 12 I certainly think should not be held to be a criminal offense.

Mr. BROWN. It leaves us in such a situation that it would be pretty difficult for a citizen to complain about political activity on the part of the proscribed official when the ultimate result would be the withholding of Federal funds from the State, which would be a punishment of the whole State, and no person would be very likely to make that kind of a complaint, would he?

Mr. HATCH. Yes; I think so. It has happened, and is happening. I know in more than one State of complaints being lodged with departments here which, if sustained, would result and have resulted in the withholding of funds from the States.

Mr. BROWN. But that is the only method of enforcement of section 12?

Mr. HATCH. That is true.

Mr. BROWN. I think we have to keep in mind, in the questions I want to ask the Senator, the difference between the two sections, and I wish to refer particularly to some of the answers elicited from the Senator by my colleague a few moments ago.

In the first section of the bill, which is section 2 of the Hatch Act, which would prevent the use of official authority—and I think such authority should not be used in politics—is there anything which would prevent the Governor of a State from using his official authority to aid in bringing about the election of the Lieutenant Governor in an election in which there were upon the ticket candidates for the office of Governor?

Mr. HATCH. The Governor is not exempt from the provisions of section 2.

Mr. BROWN. If the Senator will refer to lines 15 to 22, on page 2 of the bill, he will find that the Governor, to use that example, is prohibited from using his official authority for the purpose of interfering with, or affecting, the election or the nomination of any candidate for the office of President or Vice President; but he is not prohibited from using his influence with respect to any State officer who happens to be running upon the same ticket, is he?

Mr. HATCH. If a Federal official is to be chosen at that election; yes.

Mr. BROWN. The bill does not say so, and I ask him to read it and see if it does.

Mr. HATCH. The Supreme Court has definitely passed on the separability of provisions.

Mr. DANAHER. Mr. President, may we have order in the Senate? I should like to hear the debate.

THE PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). The Senate will be in order.

Mr. HATCH. The prohibition is this—"to use his official authority for the purpose of interfering with, or affecting, the election." If a Member of Congress is being voted upon, that is the election.

Mr. BROWN. There is no comma there; there is no semicolon; there is no indication that there is a stop when the word "election" is reached in line 17. It says "the election or nomination of a candidate for the office of President or Vice President." Every officer who is named there is a Federal officer and not a State officer.

Mr. HATCH. If he is interfering with that election—

Mr. BROWN. No; the election of a candidate for these offices.

Mr. HATCH. If he is interfering with a particular election, whether his action is only in behalf of a Lieutenant Governor or not, he is interfering with the election of the President or Vice President.

Mr. BROWN. If the Senator wants to say that, he can say it much more clearly than he says it in the bill as it now reads. He can say "affecting an election at which these officers are to be elected"; but he does not say that, as I think every lawyer in the Senate will agree.

Mr. HATCH. I think the Senator has made a good suggestion. Does he object to my accepting it?

Mr. BROWN. No; I do not object to that at all, but I say that the language certainly does not bear out the Senator's intent.

Mr. HATCH. It seemed to me to be perfectly clear that it did. I do not say this as in any degree flattering the Senator from Michigan; but when any Senator as skilled in the law as is the Senator from Michigan raises a question of that kind, if there is a question in his mind, I would much rather meet it right by an amendment. He might be right and I might be wrong. I accept the amendment offered by the Senator from Michigan, and ask permission to modify the section to which he refers, if he will state the language.

Mr. BROWN. I would rather have a little time to frame the language.

Mr. HATCH. We will send up the language later.

Mr. BROWN. I should like to pursue the inquiry my colleague made. He referred to section 12 (a), which provides that "No such officer or employee shall take any active part in political management or in political campaigns"; that is, an officer or employee who is employed in connection with any function which the Federal Government finances. The Senator has that in mind. My colleague referred specifically to the State highway commissioner of Michigan, and he asked the Senator from New Mexico this question:

But would the proposed act circumscribe him—

Meaning the State highway commissioner of Michigan—

with respect to the use of any official authority?

Mr. HATCH. It would. He could not use his official authority. He could not say to the employees in his department, "Go out and work for me; I am a candidate for Governor." That would be prohibited.

I think that is proper, using the theory the Senator has adopted in section 12. I think it is proper to do so. But I do not think the Senator's answer is accurate with respect to the highway department of the State of Michigan, because there are many employees in the highway department of that State, as there are many employees in the office of the Republican secretary of state, and in the office of the Republican State treasurer, who have no connection with Federal activities, whose political actions could not in any way be proscribed by the proposed act.

I refer specifically to this question by my colleague:

Mr. VANDENBERG. And all his subordinate staff would be completely prohibited from participating in his campaign?

Mr. HATCH. They would be.

The Senator did not mean that there is a general prohibition against all the employees of the State highway department. He meant those employees who are connected with an activity of the State highway department which is financed in part by the Federal Government.

Mr. HATCH. Of course, the whole theory of the bill is limited to agencies which receive financial contributions, loans, or grants from the Federal Government. I stated at the time that I disliked to answer questions as to individual officers of the States about the function of whose offices I did not know.

Mr. BROWN. I not only disliked it, but I disliked the false impression created by the colloquy between my colleague and the Senator.

Mr. HATCH. There is another thing to which I would refer in connection with that. I think, if I am not mistaken, that the particular man to whom the Senator refers is an elective official as well.

Mr. BROWN. Yes; he is.

Mr. HATCH. There is another provision relating to such an official.

Mr. BROWN. The prohibition to which my colleague must refer necessarily is not one directed against the State highway commissioner; it is directed against any of his employees who take an active part in political management or in political campaigns. The State highway commissioner is expressly exempted from the provisions of section 12. But I wish to point out that, just as the Republican secretary of state of Michigan, and as the Republican State treasurer, and as the Republican attorney general, and as the Republican Governor, and as the Republican Lieutenant Governor may all use their employees without violation of the proposed act, likewise the employees of the State highway department, which happens in Michigan to be Democratic, are not pro-

hibited from participation in politics similar to that engaged in by these State officers, when they are not engaged in an activity which is financed by the Federal Government. I may say that the maintenance organization of the State Highway Department of Michigan is not in any way supported by the Federal Government. The Federal Government does aid in the construction of roads but not in the maintenance of those roads.

In this matter I am much in sympathy with the Senator from New Mexico, but while he is doing this job I wish he could in some way apply the provisions of the proposed act to these Republican officials in the State of Michigan who are absolutely untouched by the provisions of the Hatch Act.

Mr. HATCH. Mr. President, let me say to the Senator from Michigan that nothing would give me more pleasure. I should like very much to do that. I stated when I was explaining the bill that the very complications and things which the Senator from Michigan and other Senators have mentioned have long since convinced me that we need to go much further, and actually use other powers, stronger powers, vested in the Congress by the Constitution. I have already drawn a bill which will do a very reasonable job with respect to the whole matter, and some day—not in an election year—I hope we may pass a complete measure which will accomplish many of the things which are necessary.

Mr. BROWN. I have one other question of a minor nature to ask. I refer again to lines 21 and 22 on page 4, which is the prohibition against officers or employees taking "any active part in political management or in political campaigns." It occurs to me that the Senator should except from that particular prohibition, which is the heart of the bill, in my judgment, participation in political campaigns of a nature totally disconnected from partisan politics.

For instance, I myself happen to have been long interested in the school affairs of my own community. For 25 years I have been a member of the board of education. It is an office which I prize very highly. In my judgment, under this prohibition any employee of the State of Michigan whose salary was in any way contributed to by the Federal Government, or any employee of the Federal Government itself, would be prohibited from participating in an election at which the sole question was whether or not the city of Detroit should bond itself for an additional \$500,000 for the purpose of erecting a public school. Does not the Senator think that such an election should be excepted from the stringent provisions of both section 2 and section 12?

Mr. HATCH. I would have no objection to that.

Mr. BROWN. I think the Senator should go a little further. I think he should say that it would be desirable to have such an exception.

Mr. HATCH. I do not find quickly what the rulings of the Civil Service Commission have been on that question. It seems to me they have held that a nonpartisan election, such as for a school trustee or on a bond issue, is not within the language; but I am in hearty agreement and sympathy with what the Senator has said, and I shall be very glad to confer with him further; and if he has a suitable amendment to accomplish the result, if it has not already been accomplished, it is perfectly agreeable to me to have such an amendment adopted.

Mr. LUCAS. Mr. President—

The PRESIDING OFFICER (Mr. REED in the chair). Does the Senator from New Mexico yield to the Senator from Illinois?

Mr. HATCH. I yield.

Mr. LUCAS. I wish to ask the Senator a few questions in connection with the bill, and I do so solely for information, or in an attempt to clear up some things which seem to me to be a little doubtful; and the answers to the questions in the event the bill becomes law will eliminate some confusion which exists in the mind of the public at the present time, and will exist in the mind of the public in the future, if the bill is amended in line with the suggestions which have been made.

First, on page 2, I invite the attention of the Senator to subdivision 2, which contains the language "any person employed

in any administrative position by any State." Is there any question in the Senator's mind that that language does not include the Governor, the Lieutenant Governor, and the mayors of cities?

Mr. HATCH. I think it should include them.

Mr. LUCAS. The Senator thinks it should?

Mr. HATCH. Yes. That is, as to this provision of this section.

Mr. LUCAS. Yes; I understand. I am talking now about section 2. There is no question, then, in the Senator's mind that the officials I have just named are included as among those occupying administrative positions?

Mr. HATCH. Yes; that is correct. That was the intention.

Mr. LUCAS. Very well. Is there any interpretation by the subcommittee or by courts as to what is "official authority"?

Mr. HATCH. I am quite sure the term has been defined by the courts. I do not have the decision before me. But it is authority which the person is possessed of by virtue of his office. That does not mean a great deal. That is just about the same as saying "official authority." But it is power which he would not have were it not for his office.

Mr. LUCAS. I have in mind the general notion of what is "official authority." But what my opinion is and what the Senator's opinion is might not coincide with what the courts have said with respect to that one question, and, in view of the penalty that is provided in case of an administrative officer exercising or using his official authority to control or to interfere with an election, it seems to me that if the Senator furnished a brief upon that one point it might help in administering the act in a better way.

Mr. HATCH. I shall be very glad to submit it for the RECORD.

Mr. LUCAS. I have in mind one other point which has to do with a typical situation which can be cited with respect to practically every city throughout the country. I am thinking now of a mayor in Illinois who has been instrumental in the development of a housing program for his city. He seeks a grant of \$2,000,000 from the Government. Assume that in the midst of the construction of the project an election is held for United States Senator, and that during the preliminary negotiations the sitting Senator seeking reelection has cooperated with the mayor to the fullest extent in obtaining the grant. During the campaign the mayor feels that he should like to aid the Senator for reelection. He therefore calls in 10 of his employees, some of whom have been working on the housing project. He presents to them the Senator's petitions and says, "Boys, Senator Jones has been our friend on this housing project; he is a high-class public official, and has rendered excellent service for his people throughout the State. As mayor and as a citizen, believing in good government, I want you to circulate these petitions of the Senator. Get the required number of signatures and return the petitions to me." Query: Has the mayor used his official authority as the phrase is used in section 2 of this bill in affecting the nomination of Senator Jones?

Mr. HATCH. I think the Senator's question—my mind was distracted for a moment toward the end of it—is whether the city should suffer the penalty by reason of the action of the mayor?

Mr. LUCAS. No. In the question I asked the Senator, I used as illustration the case of a mayor who called in certain employees of the city who were under his control, and requested them to circulate a petition for the Senator who was seeking reelection, and who had cooperated with them on a housing project.

The mayor said, "Boys, Senator Jones is a good fellow. He is a public-spirited citizen. He is a good man for the United States Senate. As mayor of the city, and as a citizen, believing in good government, I am for his reelection. I ask you boys to take the petitions out and circulate them, bring in the required number of signatures, and then we will send them on." Is the mayor using his official authority to aid in the election of the candidate for Senator?

Mr. HATCH. Oh, yes.

Mr. LUCAS. Very well. In other words, if the mayor of the town merely requests the employees to circulate a petition, that act subjects the mayor to the penalty of a fine of \$1,000 and imprisonment of 1 year for exercising such official authority. There is no question about that?

Mr. HATCH. There is not in my mind, and we have insisted it should be so.

Mr. LUCAS. If the same mayor called a meeting of all his employees in the city hall and said, in substance: "Senator Jones has been my friend as mayor. He has been a real friend of the city. He has been your friend. He is a credit to the party. Believing as I do that the best interests of good government would be served by the reelection of Senator Jones, I hope you will all support him."

He would be using his official authority in that kind of a case, and would be subject to the pains and penalties of the law as he would be in the other case.

Mr. HATCH. Yes.

Mr. LUCAS. Very well. I am thinking of another mayor of a city in the United States who has P. W. A. grants for sidewalks, sewers, and subways, and who has constructed them out of an allotment of Federal money, or at least partially so, and a number of the projects are uncompleted. There is a great deal of money yet to come to the city. The mayor says, in substance, to a number of his employees: "I believe that the individual who is the present President of the United States has done a remarkable job in the way of taking care of individuals like yourselves. I want you to take these petitions and go out and circulate them." Fifty men circulate the petitions and get, for the mayor of the city, 200,000 names for the nomination of a President of the United States.

That mayor, under the provisions of this bill, if it should be passed, would also be using his official authority, and would be subject to the pains and penalties of this proposed law.

Mr. HATCH. Did the Senator say that the mayor had no control or supervision over the employees?

Mr. LUCAS. No; the men that he asked to circulate the petitions were employees of the city.

Mr. HATCH. Then he would be subject to the law's penalty.

Mr. LUCAS. Then he would be subject to the penalty?

Mr. HATCH. Yes.

Mr. LUCAS. One other question. In the three cases I have cited, the employees themselves would also be subject to the penalties of section 12, would they not?

Mr. HATCH. Yes.

Mr. LUCAS. In other words, if the mayor and his employees, acting together, should violate the law, assuming it becomes such, one individual would be subject to criminal penalties while the other individual who violates it would merely be subject to the penalty of being relieved of his job. That is the way the law would operate.

Mr. HATCH. Yes; and I think it should act in that way.

Mr. LUCAS. They are both equally guilty of an offense.

Mr. HATCH. No, sir.

Mr. LUCAS. Well, practically so.

Mr. HATCH. No; there is the greatest difference in the world between them. I do not want it to appear in the RECORD that I am agreeing to that statement.

Mr. LUCAS. They are both guilty of—

Mr. HATCH. Of an offense.

Mr. LUCAS. They are both guilty of an offense; and the Senator thinks one is guilty in a greater degree than the other?

Mr. HATCH. Yes; vastly greater.

Mr. LUCAS. Suppose the Governor of a State is a candidate for reelection. He has obtained grants from the United States for highway purposes. He writes to the highway officials and to a number of employees of the State, advising them of the fact that he will be a candidate for reelection and that he hopes they will give him their support and influence in the election. Is he using his official

authority in writing that letter? If so, is he subject to a fine of \$1,000, and to the other penalties?

Mr. HATCH. He has written a letter to the highway employees?

Mr. LUCAS. He has written a letter to the employees of the highway department, or he has called them into his office and spoken to them. Suppose he says, "I should like to have your support in my campaign for reelection." If any of the money in the highway department comes from the Federal Government, would the Governor be subject to indictment and prosecution, and, if convicted, to a fine of \$1,000 or imprisonment in the penitentiary for 1 year?

Mr. CLARK of Missouri. The question would be whether or not he used his official authority.

Mr. HATCH. The question is one of the use of official authority, always bearing in mind the fact that the election must be one in which a Federal official is elected.

Mr. LUCAS. Under those conditions, if the Governor should write letters to individuals in the highway department, or call in a hundred employees of the highway department and say to them, "I am a candidate for reelection, and I want you boys to go out, if you feel you can do it, and use your influence and support to have me reelected," would the Governor be subject to the penalties of this bill?

Mr. HATCH. He would be if a Federal official were being elected at that election. It must be an election at which a Federal official is elected. This section is confined to elections at which a President, Vice President, Members of Congress, or Senators are elected.

Mr. LUCAS. Of course, that would always be the situation in Illinois.

Mr. HATCH. I merely wanted the Senator to bear in mind the fact that that is the kind of election referred to. Under those circumstances a Governor calling in his employees would be violating the law if the other conditions were met.

Mr. LUCAS. I wish to be certain about that, because I think it is a very important question.

Further, do I correctly understand the Senator to say that under the provisions of the bill, if a congressional election or a Presidential election is being held, a Governor calling in such employees and asking them to support him and use their influence toward his reelection would be violating the law?

Mr. HATCH. That is correct.

Mr. LUCAS. Of course in Illinois he would always be violating the law if he did so, because in our State we always elect a Governor at the same time some congressional or national election is held.

Mr. HATCH. In one or two States that situation does not obtain, but in the vast majority of States Federal officials are elected at the same time a Governor is elected; but I do not believe, if the bill is passed, that State officials will always be violating the law.

Mr. LUCAS. One further question. I should like to ask the Senator if he agrees with the construction of section 9 of the Hatch Act set out in an opinion rendered by Attorney General Frank Murphy on October 26, when he said, among other things, the following—

Mr. HATCH. To what language does the Senator refer?

Mr. LUCAS. Section 9 of the original Hatch Act. The Attorney General said:

Section 9 of the Hatch Act has been construed as not applying to the following:

1. Officers and employees of the legislative branch of the Federal Government, including secretaries and clerks of Members of Congress and congressional committees.

Is there any question about that?

Mr. HATCH. Not in my mind.

Mr. LUCAS. In other words, as Members of the United States Senate we may use our official authority and our personnel to have ourselves reelected, under the interpretation of the act which I have read.

Mr. HATCH. I think the Senator will use his authority, and properly so. I do not think he will use official authority to obtain the services of his office force. That was the ob-

jection which I made. Nothing in the act relates to members of the legislative branch.

Mr. LUCAS. In other words, we are exempt under the act.

Mr. HATCH. Yes.

Mr. LUCAS. And we may use our official authority, not only to help elect ourselves, but to help elect a candidate for Governor of a State, if we see fit and believe he should be elected, whereas the Governor is denied that privilege.

Mr. HATCH. That is correct.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. CLARK of Missouri. Does the Senator mean to suggest that there is anything in the act to prohibit the Governor of a State from using his own personal secretary or personal employees who are not paid from Federal funds?

Mr. HATCH. Oh, no.

Mr. CLARK of Missouri. Or to keep him from using the guards in the penitentiary, the members of the public-service commission of his State, or the members of the tax commission, as political counsel if he chooses to do so? As I understand, the prohibition is simply against the Governor of a State or anybody else using the coercive power of appointment and removal over employees paid out of Federal funds.

Mr. HATCH. That theory was developed by the Senator from Michigan, and I thought it was thoroughly understood.

Mr. LUCAS. I thoroughly understand it, and am glad to have the further explanation of the Senator from Missouri, because he always makes a contribution to any argument in which he participates. Nevertheless, the fact remains that we ourselves, as Members of the United States Senate, are doing some of the things about which we are complaining.

Mr. CLARK of Missouri. Not at all.

Mr. LUCAS. Perhaps not. However, I should like to know whether or not there is one United States Senator who in his campaign for reelection does not use the personnel of his office in order to obtain reelection. If we are to have the purity in politics which we are all seeking, I submit that we all ought to come under the same ban, and that when campaigns come along we ought to set aside our personnel, hire our own groups, and use our own funds rather than the taxpayers' money. It seems to me that is exactly what we do. If I am mistaken about it, and if any Senator says I am mistaken, I certainly will apologize; but I know what I am doing, and I believe every other Senator is doing the same thing.

One other question: The Attorney General further says that section 9 of the Hatch Act does not apply to—

2. Officers and employees of the judicial branch of the Federal Government, including United States commissioners, clerks of United States courts, referees in bankruptcy, and their secretaries, deputies, and clerks.

Does the Senator agree that those classes are also exempt?

Mr. HATCH. Yes.

Mr. LUCAS. In other words, under the provisions of the act, a referee in bankruptcy in the State of Illinois who has control of a number of foreclosures in which the Federal Government is involved may continue to participate in politics, and may even manage the campaign of any individual in my State who is seeking public office?

Mr. HATCH. I wish to say on this point that the Senator has developed something which I think should be corrected. I want the persons to whom he has just referred included. They were included in the first draft of the bill which I introduced. Members of Senators' staffs also were included. That was my intention and my desire; but certain practical considerations were met, as they are often met when legislation is undertaken, and in order to secure the passage of the bill it was confined to the executive branch of the Government. That is why the persons to whom the Senator has just referred were left out. Frankly, I should like to see them included.

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Mr. LUCAS. I thank the Senator. I agree with him. Referees in bankruptcy in my State have a tremendous amount of power in connection with foreclosures in which the Government is involved. I am thinking about R. F. C. loans, H. O. L. C. loans, and other financial matters, which, as the Senator knows, are constantly going through the Federal courts. It seems to me that matter is something we might work on in the future.

Mr. HATCH. I shall be very glad to discuss the matter with the Senator.

Mr. LUCAS. I should like to ask the Senator one further question. Will the Senator yield the floor to me for a few minutes in order that I may discuss section 15?

Mr. HATCH. Yes. Mr. President, a very unfortunate incident arose yesterday which I did not then understand and do not yet understand. The Senator from Illinois, evidently wishing to relieve me of the burden of standing on my feet while he discusses something in his own time, has asked me to yield the floor for a few minutes. I presume he expects me to resume the floor. I have finished my remarks and am perfectly willing to yield the floor or to answer any Senator's questions. Perhaps the Senator from Arkansas [Mr. MILLER] is objecting to that form of procedure. He may desire to obtain the floor in his own right. I have no wish in the matter one way or the other.

The PRESIDING OFFICER. Does the Senator from New Mexico yield the floor?

Mr. HATCH. If the Senator from Illinois desires to ask a question, I shall be delighted to yield; and I expect to continue to yield so long as Senators desire to ask questions.

Mr. MILLER. Mr. President—

Mr. LUCAS. Mr. President, the only thing I am trying to do is to put forward some examples which have been discussed pro and con with the rank and file of the citizens of this country with regard to the Hatch Act. My only point is that we should perhaps do something in a practical way to clear up a certain amount of confusion which has existed from time to time.

Mr. HATCH. Mr. President, I have not challenged the good faith of the Senator at all. His questions have been very fair. I am glad to help in any way possible in clearing up any confusion. The only question is as to just who has the floor. If the Senator desires to ask another question, I shall be glad to answer it.

Mr. LUCAS. I desire to discuss in my own time section 15 of the bill.

Mr. BARKLEY. Mr. President, will the Senator yield to me for another question?

The PRESIDING OFFICER. Does the Senator from New Mexico yield the floor?

Mr. HATCH. Mr. President, I shall not yield the floor so long as Senators desire to ask questions.

I yield to the Senator from Kentucky.

Mr. BARKLEY. I wish to ask the Senator one further question with respect to the new section 12. The first sentence of that section reads as follows:

SEC. 12. (a) No officer or employee of any State or local agency who exercises any function in connection with any activity which is financed in whole or in part by loans or grants made by the United States or by any Federal agency shall use his official authority or influence for the purpose of interfering with an election or affecting the result thereof.

The next sentence is the second sentence referred to later:

No such officer or employee shall take any active part in political management or in political campaigns.

Then the bill proceeds to exempt certain officers, including the Governor, Lieutenant Governor, mayors of cities, heads of executive departments, and elective officers.

I assume that the definition of the word "officer" or "employee" in the second sentence of the section is the same as officer or employee in line 15 at the beginning of the section. That also raises the question of what is "official influence."

Governors, Lieutenant Governors, and the other officers named at the end of the subsection are exempted from the

provisions of the second sentence of the section which provides that:

No such officer or employee shall take any active part in political management or in political campaigns—

By which is meant that under the exemption the Governor, the Lieutenant Governor, and the other officers exempted can go out and make campaign speeches; but under the first sentence of subsection (a) of section 12 where it is provided that no officer or employee "shall use his official authority or influence," how does the Senator draw the distinction between the influence of a man who is out making speeches in behalf of his party or his ticket or himself even and a man who is undertaking privately to influence the result of an election? How does the Senator draw the distinction there, and to what extent would the second sentence and the exemptions in the third sentence conflict with the first sentence in subsection (a) of section 12?

Mr. HATCH. The exemption would not relate to the first sentence. There is a distinction between official authority and official influence.

Mr. BARKLEY. I understand there is a difference between official authority and official influence.

Mr. HATCH. I myself am not so fond of the word "influence."

Mr. BARKLEY. I think every Governor and every other public officer who is elected by the people not only should be allowed to go out and advocate his record or proclaim it, as the case may be, but that he rests under an obligation to do so, because the people are entitled to know how any man has performed his duties when chosen to an office by them. But I am wondering whether a speech made by a Governor or a mayor or any of the other officers who are attempted to be exempted would come under the prohibition of the use of official influence carried in the first sentence of the section—

Mr. HATCH. I do not think it would.

Mr. BARKLEY. Because, undoubtedly, when any elective officers or heads of agencies are out advocating certain things in a political contest or advocating their own record against assaults made on it by others, they are undoubtedly attempting to exercise influence over the people.

Mr. HATCH. But not "official influence."

Mr. BARKLEY. Perhaps not; it might not be official; but when he is speaking as Governor it is impossible to separate his governorship from his personality and say how much is personal and how much is official. I am wondering how that is going to be interpreted, and I am trying to get the Senator's view of it.

Mr. CLARK of Missouri. Mr. President, if the Senator from New Mexico will yield for a moment, I will ask if this would not be a distinction between official authority and official influence? If the Governor of a State were to discharge an employee of the highway commission because the employee would not support the candidate for an office whom the Governor wanted him to support, that would be an exercise of his official authority. If he simply used such action as an example to scare other highway employees into supporting the candidate, I would think that would be an exercise of his official influence.

Mr. BARKLEY. That is true; I agree that that distinction may be made; but which is which? Is it personal or official when he is out making speeches publicly to audiences advocating his own reelection or the election of others?

Mr. CLARK of Missouri. I would say that is a personal appeal to the people of the State which any citizen has a right to make.

Mr. BARKLEY. Yes; but he would not be making it if he were not Governor.

Mr. CLARK of Missouri. He might be.

Mr. HATCH. He might be making political speeches, of course.

Mr. SMITH. Mr. President, the distinction which the Senator from Missouri made is that of a Governor while acting in his official capacity violating the law when he dis-

charges an employee and his action frightens the other employees, and they fall in line.

Mr. CLARK of Missouri. That is influence.

Mr. SMITH. Exactly. He is not allowed to discharge an employee, and yet when he does do it without any reference to what effect it may have, his action is "influence" which he cannot exercise.

I think this bill has in it some element of virtue, though very little; but its proponents have destroyed what they are seeking to do by trying to make a man who accepts a position and receives pay from the Government, no matter how exalted and how distinguished he may be, surrender some of his American and inalienable rights in order to do so. He is unfortunate in that he was not elected. In order to carry out the functions of the office to which you and I are elected we have got to appoint persons to do certain work, and if they accept the appointments to help us perform the functions of Senators they are denied the ordinary privileges of a private citizen. That is "going some."

I am familiar with the adage, "Whose bread I eat, his song I sing," and that is characteristic of our politics. So far as the Federal Government is concerned, I suppose it may have jurisdiction over the political activities of those who are appointive officers, but when the Federal Government comes down into my State and spreads the poison of Federal patronage and Federal funds and says, "When you accept Federal funds you submit yourself to the Civil Service Commission," I cannot approve of such a proposal. If those who advocate the bill had stayed within the purview of the original measure, I think it had in it an element of real benefit to the American people, but when they widen it and seek to have it apply to officers of States there is where I stop.

Mr. HATCH. Mr. President, later on during the discussion, if opportunity presents itself, I intend to discuss the question of inalienable rights.

Mr. SMITH. This bill infringes on them, and the proponents of the measure know it. That is what they are doing.

Mr. HATCH. I am not discussing that question now.

Mr. SMITH. Of course the Constitution is obsolete; it has come to be merely an old rag to be kicked about; but some of us yet have some respect for it.

Mr. HATCH. That particular question is one which I desire to discuss.

Mr. SMITH. I hope the Senator will do so.

Mr. HATCH. I will be glad to do it, and I will rely not upon my own ability but upon far abler and better lawyers than I am.

Mr. JOHNSON of Colorado. Mr. President—

Mr. HATCH. I yield to the Senator from Colorado.

Mr. JOHNSON of Colorado. I should like to ask the Senator a question. I have a city in mind which is receiving Federal benefits in the way of W. P. A. projects, old-age assistance, and welfare funds of one kind and another. The city has employees whose duties are in no way connected with the Federal funds except that they are employees of the city which is receiving Federal funds. Are such Federal employees eligible to hold political office, such as committee-men, and so forth?

Mr. HATCH. Did the Senator say Federal employees?

Mr. JOHNSON of Colorado. No; city employees.

Mr. HATCH. If they have nothing whatever to do with a Federal project itself, the answer is no; they are exercising no functions in connection with a Federal project. Is that the question?

Mr. JOHNSON of Colorado. That is the question.

Mr. HATCH. No; they would not be. The bill refers to employees of State or local agencies who exercise functions in connection with any activity financed in whole or in part by loans or grants made by the United States.

Mr. JOHNSON of Colorado. Yes; but the funds come to the city and the city is financed in part by Federal funds.

Mr. HATCH. I think it is confined to employees who exercise functions in connection with such activities.

Mr. ADAMS. Mr. President, will the Senator yield for a question following that?

Mr. HATCH. I yield.

Mr. ADAMS. This situation would also apply: Federal funds have been granted to a State or to a city, with which a building has been constructed. For instance, it might be a dormitory at a State university, a sewage-disposal plant in a city, a waterworks, or some other plant. The structure is completed. The Federal money went into it. Would the employees who subsequently were engaged in the operation or management of that structure be included?

Mr. HATCH. I think not.

Mr. ADAMS. Is the Senator sure?

Mr. HATCH. That is the way I interpret the language, and I do not believe it can be otherwise interpreted. Such is not the purpose.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. McKELLAR. Take, for instance, a case in which the Federal Government has contributed to the building of streets in a city. Say the city puts up so much and the Federal Government puts up so much, and all the employees of the street-construction activity are under what is called the city engineer in the city in which I live. They are all under him; and all these employees participate this year in building the streets, some in clerical capacities, some in actual work on the streets, and some as engineers. They are all engaged in spending, in part, this Federal money. Do they come within the terms of the bill?

Mr. HATCH. All working in connection with this activity. That is the test—if they are connected with the activity.

Mr. McKELLAR. And all of them therefore come under the measure?

Mr. HATCH. Yes.

Mr. McKELLAR. For instance, take the engineering department in our city, where there is a contribution for a sewer-interceptor project. There are now several hundred persons in that department. They are all connected with the expenditure of that money.

Mr. HATCH. Actually engaged in the particular activity?

Mr. McKELLAR. Actually engaged in that project. All of them would come under the ban of this bill?

Mr. HATCH. If they are engaged in the work itself.

Mr. McKELLAR. Is it not a fact that there have been so many Federal contributions to various things, such as levee building and dam building and street building and road building and the building of schoolhouses and of court-houses, that the provisions of the bill would come very near including the greater portion of the persons in almost any community? Has the Senator ever figured out how many persons would be under the ban of the bill and how many would be free to do as they pleased?

Mr. HATCH. Those coming under the ban of the bill would be a very, very small percentage of the people in any city or any community.

Mr. McKELLAR. I think the Senator will find that during the past few years the Federal Government has contributed to almost every municipal project that has been built.

Mr. HATCH. Of course, the Senator from Tennessee is giving a retroactive effect to the bill.

Mr. McKELLAR. Oh, no; I am referring to its operation this year. We have appropriated Federal money for such projects this year. W. P. A. money goes into secondary roads. W. P. A. money goes into streets in every city. W. P. A. money goes into the construction of certain kinds of buildings in every city. If that is contemplated within the terms of this bill, as the Senator says it is—

Mr. HATCH. It is.

Mr. McKELLAR. I am afraid some of us are going to get a good many persons into a good deal of trouble, because we are virtually disfranchising these persons insofar as their influence is concerned. They may take no part in politics. They will violate the provisions of the bill if they do.

That is the way the matter strikes me. I cannot see how it is possible for us to put under the ban of the bill so many persons in our own communities.

Mr. MEAD. Mr. President, will the Senator yield?

Mr. HATCH. I yield to the Senator from New York.

Mr. MEAD. I recall the observation the Senator made a short time ago with regard to the Social Security Board, and the regulations required to be followed by the State in conformity with the requirements of the national board.

I rise at this time to bring to the attention of the Senator the fact that at least in my State there is developing opposition to the regulations required by the National Social Security Board; and I do not inject the matter into the debate for the primary purpose of referring to that fact. I inject it into the debate so that other Senators may become informed of the possibility of similar action being taken in their States if we go too far in granting authority under the pending bill.

I am in favor of protecting the rank and file of our civil-service employees from the exploitation of partisan politics; but I should be very careful not to limit and restrict the free activities of our citizens in the discharge of their political rights. I offer, as a contribution to the exercise of great care in the adoption of helpful amendments while the bill is under consideration, this statement, which is from a recent issue of the Buffalo Courier-Express. It has this heading:

WADSWORTH RAPS SOCIAL SECURITY BOARD FOR DICTATING TO STATE—
CIVIL SERVICE DEMANDS HELD UNWARRANTED, ARROGANT

A blistering attack by Assemblyman James J. Wadsworth * * * on the unwarranted and dictatorial action of the Federal Social Security Board in demanding, under threat of withdrawal of Federal aid, that the entire public welfare personnel in New York State be placed under civil service, rang through the assembly tonight.

Then the article goes on to say that Mr. WADSWORTH said:

A more arrogant and arbitrary ruling on the part of an American governmental unit I cannot recall, and I feel that every citizen of the State of New York should be apprised of what is going on.

The article continues:

The difficulties and dangers surrounding the classification of these 827 workers to make their status conform to the merit-system. ultimatum of the Federal Social Security Board was stressed by the western New York lawmaker.

He concludes by saying—this is a very long statement, and I am only giving the Senator a sketchy, brief analysis of it—

In 1937 I warned the legislature and the Governor against jeopardizing our own interests by succumbing to the enticement of Federal aid, ending up with these words: "When Washington puts its foot down, that settles it here. You can't help your own people even if you want to."

So I bring to the attention of the distinguished Senator, whose efforts in behalf of civil-service workers are well known, the fact that there is a rising tide of resentment as it applies to Federal dictation of State policy. We must, therefore, exercise great care lest in going beyond the protection of the rank and file of the civil service we infringe upon the prerogatives of the citizen in the discharge of his duties.

Mr. HATCH. Let me say to the Senator, in reply to what he has said, that I mentioned that very possibility as I was discussing the Social Security Board; and I pointed out that in the amendments to the act which we adopted last year we went much farther than we are trying to do today in establishing a complete merit system, barring political activities and everything else. We invested all that broad, sweeping, general power in a Board here in Washington. Congress did that, and the Board is exercising the power which the Senate and the House gave to the Board.

But what we did in the other act and what we are doing today is just writing a simple provision of law in which we ourselves say what shall or shall not be done. We are putting a ban on partisan political activities, using exactly the same language which now applies to the thousands and thousands of employees under the civil service. We are saying nothing and doing nothing but that. The matter to which the Senator refers is altogether different. As I said to the Senator from West Virginia [Mr. NEELY], that has been my objection to the particular bill which he seeks to offer as an amendment. We do not do that in this bill.

Mr. MEAD. I have no desire to defend a position which is contrary to the extension of the merit system, especially in

social security, and welfare, and work of that particular kind, but I do rise to suggest the advisability of exercising great care when it comes to administrative and elective officers of the highest category.

Mr. HATCH. I am very much in accord with the Senator.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. HATCH. Yes.

Mr. CLARK of Missouri. As I understand the Senator's bill, it has nothing on the face of the earth to do with the selection of personnel, or with the merit system, or with anything else. It simply is a provision that Federal funds shall not be used for political purposes.

In other words, in my own State we have an administrator of the social-security set-up there who devotes his every waking hour to playing cheap politics. This bill is designed to prevent that sort of a practice; to prevent the man who is handling Federal funds in so vital a matter as the social-security set-up either from devoting his own time and activities to politics, or certainly from trying to coerce the beneficiaries of that system.

Mr. MEAD. With that I am in full accord.

Mr. CLARK of Missouri. It has nothing to do with the merit system. I agree with the Senator from New York that some of the actions of the Social Security Board in many instances which have fallen under my observation have been extremely arbitrary. I have deplored that tendency in the Board, and my general observation has been that the bureaucracies of Washington have a great tendency to go in that direction. I certainly hold no brief for the Civil Service Commission, because there is hardly a bureau or commission in this city of which I have a poorer opinion than I have of the Civil Service Commission as at present constituted with the exception of one lady member. What we are trying to do in the bill before us is merely to provide against the use of Federal funds for political purposes in a State, as we have already provided, so far as we could, against the use of Federal funds for political purposes in the Nation.

Mr. MEAD. I wish to say to the Senator that I do not even find fault with the social-security set-up in insisting upon the coverage of all State employees within the civil service. I am for that. I merely rose to bring to the attention of the sponsor of the bill the possibility of doing some harm to the effective application of the law he sponsors, by going a little too far. As was suggested by the Senator from Michigan, I think that making progress a little more slowly, the adoption of carefully worded amendments, will help in the enforcement of the law later on.

Mr. HATCH. Mr. President, let me say to the Senator from New York that I have tried to go most slowly, and sometimes I think I have progressed entirely too slowly. My ideas go far beyond the pending measure and far beyond the law Congress passed last year. But I realize the dangers and possibilities the Senator from New York has mentioned. I have tried, as those who have worked with me on the committee have tried, to be as reasonable and as careful and as fair in the drafting of the measure as it was possible to be. I think the pains we took and the results we brought on the floor demonstrate that, because we did avoid very many of the questions which have been raised on the floor of the Senate, of which we had already taken care.

The Senator from Tennessee, who is standing just behind the Senator from New York, I remember stated on the floor of the Senate a few days ago that the Senator from New Mexico has an obsession on this subject.

Mr. McKELLAR. Mr. President—

Mr. HATCH. I will yield in a moment. I desire to say that the Senator from Missouri has stated exactly, in very few words, what we are trying to do. We are not trying, as the Senator from Illinois suggested, to purify politics. There are some tasks which even I, with all my obsessions, would not undertake. We do think there is a duty and a responsibility on the Congress of the United States, when it sets up certain standards for its own employees, and furnishes money, to see that the moneys we supply are not used to

corrupt and control elections and disfranchise, not a few thousand employees, but millions of American citizens.

Mr. SMITH. Mr. President, may I ask the Senator a question?

Mr. HATCH. I must first yield to the Senator from Tennessee.

Mr. McKELLAR. On the last page of the bill I find a new section 15 of the law, which provides as follows:

Sec. 15. The United States Civil Service Commission is hereby authorized and directed to promulgate, as soon as practicable, rules or regulations defining, for the purposes of this act, the term "active part in political management or in political campaigns." After the promulgation of such rules or regulations, the term "active part in political management or in political campaigns," as used in this act, shall have the meaning ascribed to it by such rules or regulations. The Commission is authorized to amend such rules or regulations from time to time as it deems necessary.

Suppose the Civil Service Commission, in promulgating its rules, should assume to put into its regulations a statement to the effect that the act of going down to the polls and voting in an election was taking an active part in politics. While it might not adopt such a rule, suppose it should, and suppose for a moment that the Civil Service Commission, instead of being a commission composed, as it probably is, of fair-minded men, should be composed of politically minded men, and we all realize that most of the people of this country are politically minded. Whatever we may say about it, that is the truth. Suppose they should make such a regulation; then think of the kind of a law we would have, if the proposed law should be constitutional, which I seriously doubt. I do not think we have the right to turn over to the Civil Service Commission or to any other commission the right to legislate.

I think it is absolutely indefensible to put a section such as this into a law. I do not think we have a right to pass a law giving to a commission the right to say what the meaning of the term "active part in political management or in political campaigns" is, and make that the law, and, in advance, make anything they say about it law. I have known the Senator from New Mexico for a long time, and I know he is a man of great ability and of a fine sense of right, and I would rather trust his judgment any time as to the meaning of the term "active part in political management and in political campaigns" than to trust any commission.

Why is that provision inserted in the bill? Why is it necessary to include a provision turning over to a body created by the Congress the power to define a phrase, as is provided here? If that section should be retained, I could not honestly and conscientiously vote for the bill. I do not think we have a right to transfer to a commission the duty of this body to legislate on such a matter. I should like to hear what the Senator has to say about that.

Mr. HATCH. First, I desire to thank the Senator from Tennessee for his very complimentary remarks. I am sure that he means every word he has said, and believes in the position which he has taken.

I am quite sure the Senator from Tennessee has not recalled the many times he has voted for legislation of this type; indeed, for a far more stringent type and character, giving departments power to make rules and regulations, and making a violation of such rules and regulations criminal offenses. I am quite sure the Senator from Tennessee will recall, when he thinks of it, that many times that has been done. Now, I do not defend that.

Mr. McKELLAR. They were not measures like this. We are asked to give to a commission, by this section, the power to legislate.

Mr. HATCH. I do not defend giving departments such power. When we give them power to make rules and regulations, and to make a violation of such rules and regulations criminal offenses, if that is not giving them power to legislate, I do not know what is. But I say, I do not defend that, and I think we have done entirely too much of it.

I have tried to explain why the committee adopted section 15, and I wish to say to the Senator that right now the United States Civil Service Commission has this power as to

more than half a million people. It has had this power for more than 50 years.

Mr. McKELLAR. Why give it again, if it already has the power?

Mr. HATCH. It has it only as to civil service employees. I have never heard that they have made a ruling that it was political activity for a man to vote, and of course they will make no such ruling. If they did make such a ruling, it would be totally invalid, and of no effect whatever. But it was because the Civil Service Commission has built up over a period of 50 years decision after decision interpreting this exact language—and the language comes from their rule—that we thought they should have the power to define that term, and we believe that the term should now be defined definitely. The Civil Service Commission does not have a definition of the term. They have, as I have stated, a body of common law, built up by decisions over the years. I wanted the rule to be something flexible, as experience grows. This has been included with no desire to delegate legislative power to any board or commission, but it seemed to be a sensible solution of a difficult problem.

Mr. BYRNES. Mr. President, the Senator may have discussed during my absence from the Chamber the question I am about to ask, and if so, I regret propounding the inquiry, but I should like to know whether the Senator has discussed the power that is given to the Civil Service Commission to take away a part of the funds contributed, say, to a land-grant college, because of the action of an individual employed by the P. W. A., we will say. The Senator has devoted a good deal of time to this question. Congress legislates and appropriates money, pursuant to statutory authority to a land-grant college. By the proposed law we would give the power to the Civil Service Commission to take money from the land grant college appropriation, repealing the law to that extent, if the P. W. A. had an employee who violated this statute. Again I direct my remarks to the penalty clause, because that bothers me considerably. My question is, What is the explanation of the Senator in support of conferring the power given to the Civil Service Commission to take a part of the funds appropriated by the Congress for a land-grant college, for instance, because some 6 months previously an individual connected, we will say, with the State vocational educational board, had been guilty of political activity under the definition adopted by the Civil Service Commission?

The report of the committee on page 4 states:

However, there will be some cases (such as the case where an employee who has been removed on account of a violation in one agency is immediately reemployed in another agency) in which the particular circumstances make it appropriate to withhold funds from an agency which is not the one in which the violation occurred.

Of course, the bill does not limit it to immediate employment, but says if he is employed by any other agency of the State within 18 months.

The report continues:

It is necessary to vest the Civil Service Commission with sufficient discretion, in determining from what agency the funds are to be withheld, to enable it to withhold funds from the agency upon which the responsibility for wrongdoing actually rests if such agency is one whose activities are financed in whole or in part by Federal funds, and to enable it to withhold amounts from some agency in instances where State officials permit State or local agencies whose activities are not financed from Federal funds to defeat the purposes of this section by employing persons who have been dismissed from other agencies because of violations of this section.

I wish to advise the Senator how that impresses me. The Senator called attention to the fact that when the Civil Service Commission had passed upon the question of the right to discharge an employee because of his political activity the punishment, which is dismissal, is inflicted upon the employee. But the land-grant college may be in no way connected with the violation of the act. None of its employees has violated this provision of the statute. But because the employee of another branch of the Government who has violated it is thereafter employed by the mayor of a city in the State, the right would be given to the Civil Service Commission to say, "We will not take money from this P. W. A. or this other agency. We will take it from the land-grant college"—per-

haps because they have more money, or for some other reason. Has the Senator given thought, at least, to limiting the application of the provision to the agency whose employee offended?

Mr. HATCH. Yes; that matter was discussed in the committee and we tried to make such provision.

Mr. BYRNES. Why would not the Senator limit its application to the agency whose employee offended?

Mr. HATCH. The only reason is the illustration I gave with respect to interchange between agencies. The adoption of the Senator's suggestion might do away with the other evil.

Mr. BYRNES. Let us say a hospital is being built, and an employee of the P. W. A. has been discharged, and he has been reemployed by city officials. P. W. A. comes to the Civil Service Commission and says, "Do not stop the funds for that hospital. We need the money to complete it. Take it out of the land-grant college." The land-grant college may say, "No; take it out of other funds." The Civil Service Commission will have a difficult decision to make.

Mr. HATCH. They will have to take it from the institution in which the offending person was employed.

Mr. BYRNES. No; the report says that they will not.

Mr. HATCH. That was the intent.

Mr. BYRNES. The report at the bottom of page 3 says:

Normally amounts withheld because of any violation of this section by an employee of any State or local agency will be withheld from a loan or grant to the agency by which such employee was employed at the time of such violation; however, there will be some cases (such as the case where an employee who has been removed on account of a violation in one agency is immediately reemployed in another agency) in which the particular circumstances make it appropriate to withhold funds from an agency which is not the one in which the violation occurred.

Under the language of the report and the bill, an agency whose employees had never offended could be penalized for the offense.

Mr. HATCH. I do not agree with that interpretation; but if there is any question about it, I shall gladly make that provision of the bill clear if the Senator will furnish the appropriate language.

Mr. BYRNES. If the Senator will read the report, he will see that it makes that specific provision.

Mr. ADAMS. Mr. President, it seems to me the Senator from South Carolina is absolutely correct. Not only does the bill authorize taking money from some innocent agency, but there is no limit on the amount.

Mr. HATCH. Oh, no.

Mr. ADAMS. It says:

The Commission shall determine and certify to the appropriate Federal agency an additional amount to be similarly withheld from a loan or grant to a State or local agency within such State.

There is no limitation as to the agency from which it is to be taken, or the amount to be taken, but that is left absolutely to the discretion of the Civil Service Commission. In other words, it is made a capital offense, so to speak, for which one agency may be executed because some other agency committed a trivial violation of the law.

While I have the floor, may I go back to section 15?

Mr. HATCH. The Senator is not entirely correct.

Mr. ADAMS. Just a word along the line to which the Senator from Tennessee referred. I listened very intently to the Senator's explanation of the reason for section 15. I am fully aware of the fact that the Civil Service Commission have in many instances laid down the definition of objectionable political activity. The rules have grown up in cases somewhat like rate-making, that is they have issued a regulation with reference to this phase, and another as to that, and the Senator has in mind a sort of codification of these rules, but I think he has made his proposed law unconstitutional by the way in which he is seeking to work it out.

In other words, the Senator has made it an offense, with a very unusual penalty, for anyone under this classification to take an active part in the political management of a campaign. The Congress, by passing the measure, would set forth what constitutes an offense. It would be perfectly proper for the Civil Service Commission to interpret that in

the exercise of its authority as it would for a court. We lay down doctrines. But the Senator I think has made the mistake of saying that it shall not be a determination of the words as used by Congress which shall constitute the offense, but that the Civil Service Commission may lay down a definition of its own and that its definition shall then become the law.

I really think the Senator from Tennessee is correct, and that section 15 could be eliminated without in anywise harming the purpose of the bill. I think the Senator is jeopardizing the validity of the bill by allowing to remain the provision delegating the authority to define the offense or the crime.

Mr. HATCH. I am very glad, of course, to have the suggestion of the Senator from Colorado, in whose judgment we all have the greatest respect. That type of legislation, however, is not altogether new, and, in my opinion, it is constitutional. It is not a child to which I am so devoted as might appear. The idea was that there had been much talk throughout the country about political management and political campaigning. To me the words are perfectly simple. As the Senator from Colorado has said, they do not need any definition whatever. If an attempt is made to define them it might be in worse shape. A good many Senators have clamored that definitions should be established for this, that, and the other. It occurred to us that the Civil Service Commission has this power, and it has in effect been making similar decisions over the years, and that is the reason this section was included. It seems to me the words do not need any definition, and if we were to attempt to define "political management" or "political activity," somebody might want another definition defining the definition we gave, and so on and so forth. I think the words are perfectly simple.

Mr. ADAMS. The Senator has served on the bench. He knows that definitions will be made by the courts of words used in a simple criminal statute. But no legislature has ever said that the court itself may specify what shall constitute the crime and define it. In other words, the courts interpret the intention of the Congress rather than have delegated to them the power to make any definition they see fit.

Mr. HATCH. Has the Senator ever had occasion to read the various definitions of "reasonable doubt"?

Mr. ADAMS. Not all of them, but I have read a great many hundred of them. They run into thousands.

Mr. STEWART and Mr. PEPPER rose.

The PRESIDING OFFICER. Does the Senator from New Mexico yield, and if so to whom?

Mr. HATCH. I am trying to yield the floor. I yield first to the Senator from Tennessee.

Mr. STEWART. Am I to understand the Senator's construction of the language to mean that the duties imposed upon the Civil Service Commission are conclusive; that is, if the Civil Service Commission shall find that the law has been violated? Is there any provision for review?

Mr. HATCH. There would be in certain respects. I have been a little amazed at the objections to this bill, when some other things have been done which I might mention.

Mr. STEWART. Does the Senator understand that, so far as the provisions of the bill are concerned, the findings of the Civil Service Commission as to whether or not there has been a violation of the act in any way circumscribe criminal prosecution?

Mr. HATCH. They have nothing to do with criminal prosecution.

Mr. STEWART. Would the Senator object to an amendment to the bill which would provide for a review of the findings of the Civil Service Commission?

Mr. HATCH. How and where? I shall be glad to discuss the subject with the Senator.

Mr. STEWART. Suppose arbitrary or unfair action should be taken by the Civil Service Commission?

Mr. HATCH. No Member of the Senate is more zealous about protecting against arbitrary action than am I.

Mr. STEWART. I am sure that is true.

Mr. HATCH. If the Senator has in mind something which will prevent arbitrary action—something which is practicable and can be worked out—I shall be happy to join him.

Mr. STEWART. No one in this body has a higher regard for the Senator's integrity than I have.

Mr. HATCH. I thank the Senator.

Mr. STEWART. I mean that sincerely.

Suppose that in the application of the law, in the event the bill shall become a law, an arbitrary, unfair rule should be promulgated by the Civil Service Commission; then we would be wholly without a right of appeal.

Mr. HATCH. Of course, we are in that situation now in connection with many agencies. I do not like that condition at all. I like the theory of review. I am committed to that idea on general principles.

Mr. STEWART. To illustrate the thought I have in mind, suppose a more or less remote employee of some municipality should violate the provisions of the bill, and in providing for punishment under the bill, as the Civil Service Commission is given the right to do, the Commission should, as was suggested a moment ago by the Senator from South Carolina, impose punishment upon some innocent community within the State. Then there would be no review, no appeal, and no constituted body to which an appeal could be made. I wonder if the Senator would object to an amendment providing for review.

Mr. HATCH. Has the Senator any such amendment prepared?

Mr. STEWART. I have no such amendment prepared.

Mr. HATCH. I shall be very glad to have the Senator prepare such an amendment and submit it to me. I really like the idea he suggests.

Mr. STEWART. The Senator has given much thought to the matter.

Mr. HATCH. No matter how much thought we give to it, suggestions for improvement may still be made. As I previously stated when this measure came out of the committee, none of us imagined that it was perfect. I now have in mind an imperfection which I shall offer an amendment to correct. I wonder that it has not been mentioned. I shall offer an amendment covering certain institutions whose funds may be pledged in advance.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. ADAMS. As I understand, the bill which is now before us is an amendment to the original Hatch Act; and section 15, giving the Civil Service Commission power to make definitions, applies also to the original act.

Mr. HATCH. That is correct.

Mr. ADAMS. There is at least one provision in the original act providing for criminal prosecution. That is section 8.

Mr. HATCH. There is provision in the act for criminal prosecution.

Mr. PEPPER. Mr. President, will the Senator yield before he takes his seat?

Mr. HATCH. Does the Senator wish to ask a question?

Mr. PEPPER. I wish to ask two or three questions.

Mr. MILLER rose.

Mr. HATCH. I do not want to get into the situation which arose yesterday by trying to yield the floor to one Senator in preference to another. The Senator from Arkansas wishes to obtain the floor. If the Senator from Florida wishes to ask a question, I shall be glad to yield.

Mr. PEPPER. I wish to ask two or three questions, if the Senator will yield.

Mr. MILLER. I have not the floor.

Mr. HATCH. The Senator from Arkansas is trying his best to obtain the floor.

Mr. PEPPER. I certainly have no desire to interrupt the Senator.

Mr. MILLER. I wish to obtain the floor after the Senator from New Mexico shall have concluded.

Mr. PEPPER. Before the Senator from New Mexico takes his seat, I wish to propound two or three questions.

In the first place, I notice that on page 2 of the bill, employees of a State who are engaged in an employment which is partially subsidized by the Federal Government, are forbidden from taking any part in a political campaign for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate, or Resident Commissioner from any Territory or insular possession.

On page 4 of the bill, in lines 21 and 22, I read:

No such officer or employee shall take any active part in political management or in political campaigns.

I observe that the first provision to which I refer restrains such employees and officials from participating in what might be called a Federal campaign. The latter language to which I have referred seems to preclude them from taking part in any kind of a campaign—local, district, municipal, county, or State, as well as Federal. Is that true?

Mr. HATCH. That is correct.

Mr. PEPPER. The Senator really means that they are not only precluded from participating in a Federal campaign, but they are also precluded from participating in one of their own local campaigns?

Mr. HATCH. The section from which the Senator is reading is confined to Federal elections; but the other part of the bill, relating to political activity and providing for the withholding of funds, would apply to a strictly State election.

Mr. PEPPER. But the legal effect is as I have stated?

Mr. HATCH. Yes.

Mr. PEPPER. That is the first question I wanted to ask the Senator.

The next question is referring to the latter part of page 6—

Mr. BANKHEAD. Mr. President, would the Senator object to my asking a question on that point?

Mr. PEPPER. No.

Mr. BANKHEAD. I should like to find out if voting is taking an active part in a campaign.

Mr. HATCH. It is not.

Mr. BANKHEAD. Why is it not? Why does the Senator think voting is not? If a person leaves his home and goes to the polls and votes, why is he not taking an active part in the campaign? It is certainly not a negative part.

Mr. HATCH. The Senator was not present in the House of Representatives the night the original bill was discussed. In the original act there is a provision that nothing therein shall be construed to affect the right of a person to vote. Distinguished lawyers in the House criticized that language very much, because it attempted to confer a right which they said could not be taken away.

Mr. BANKHEAD. That is possibly true, but that does not show that voting is not taking a part in a political campaign. The Senator makes an exception of voting.

Mr. HATCH. The position of distinguished lawyers in the House was that putting the exemption in the bill added nothing whatever to the bill, because we could not take away that right from a person. I do not think we can. We may call it political activity if we wish, but it is still an inviolable right.

Mr. PEPPER. I note at the bottom of page 6 of the bill that the Commission—referring, I believe, to the Civil Service Commission—is authorized to—

Take into account the nature of such violations and the circumstances under which they occurred and shall fix such amounts, and prescribe such permanent or temporary withholding thereof and such conditions with respect thereto, as in its judgment are sufficient to prevent violations of this section or evasion of its purposes and to carry into effect the purposes of this section, but without interfering with the activity for which such loans or grants are made to a greater extent than is reasonably necessary for the purposes of this section.

I was about to ask the Senator if it is not an accepted rule of law that the right of review in a judicial tribunal prevails with respect to the decisions of administrative agencies, and that, when such review occurs, in order for the administrative judgment and decision to be sustained there must have been at least substantial evidence to sustain the conclusion reached by the administrative agency. It must have dealt

with the matter in controversy in such a way as to meet the requirements of due process of law. It must not have dealt with it arbitrarily or capriciously. I should like to ask the Senator, as an eminent lawyer and judge, if in the absence of any possible standards being laid down in the law to govern the action of the administrative agency it is possible for any judicial tribunal to set aside or reverse the action of an administrative agency.

Mr. HATCH. Does the Senator mean there is no method to get the question into court?

Mr. PEPPER. No. I mean that in the ordinary case the statute prescribes at least certain general standards which must be observed by the administrative agency in the decision at which it arrives. In this case I am asking the Senator whether or not any standards whatever are laid down to govern the amount of money that may be withheld by the administrative agency? In other words, would it ever be possible for a judicial tribunal to review the action of the administrative agency and reverse the decision of the administrative agency?

Mr. HATCH. I think so.

Mr. PEPPER. What standards are prescribed so that the administrative agency shall have some legal admonition or some legal basis upon which to determine the amount of money to be withheld? What is there in the measure to suggest to the administrative agency the standard it shall follow in determining the amount of money that may be withheld?

Mr. HATCH. The Senator himself just read part of it.

Mr. PEPPER. Let me put this case to the Senator—

Mr. HATCH. Let me read:

(c) In determining the amount of loans or grants to be withheld under subsection (b) on account of violations of subsection (a), the Commission shall take into account the nature of such violations and the circumstances under which they occurred and shall fix such amounts, and prescribe such permanent or temporary withholding thereof and such conditions with respect thereto, as in its judgment are sufficient to prevent violations of this section or evasion of its purposes and to carry into effect the purposes of this section, but without interfering with the activity for which such loans or grants are made to a greater extent than is reasonably necessary for the purposes of this section.

Suppose the Civil Service Commission arbitrarily withholds all funds from a particular agency.

Mr. PEPPER. Very well, let us assume that one case and let us assume—

Mr. HATCH. Then the statute is clearly violated.

Mr. PEPPER. It might possibly be clearly violated in that case. Let us assume from the Senator's discussion that it is; but let us take another case—take the State road department of my State. It has a foreman in one of the counties in south Florida; we will say that foreman actually violates this proposed law and that fact is brought to the attention of the Civil Service Commission in the way the statute contemplates. The Civil Service Commission directs that a hundred thousand dollars be withheld from the State authority in the allocation of the State road department funds at the next period of allocation, and that matter comes before a judicial tribunal for review on the complaint of the State of Florida that the Commission has dealt unjustly or has imposed an excessive penalty in this case, what decision would the judicial agency render?

Mr. HATCH. Very frequently in cases in court—and I myself have been in such cases—where the action taken was clearly outside the authority vested, the court could and would act.

Mr. PEPPER. The point I meant to suggest to the Senator was that in the ordinary case in passing a law to afford a basis upon which administrative action may be taken Congress has persistently—and the courts have uniformly required that Congress do so—laid down the broad scope of the administrative authority. Here we are merely saying that in the case of the violation of this proposed law the Civil Service Commission may withhold such funds as they think should properly be withheld because of the violation in question. If a case comes before a judicial tribunal it is the determination of the administrative agency that is the criterion and not any legal standard; so there is no way for

the judicial tribunal to judge of administrative wrongdoing, if any.

Mr. HATCH. Confining it exactly to the language the Senator quoted, he would be correct, but he does not quote it all.

Mr. PEPPER. What is it that I have omitted?

Mr. HATCH. I read it to the Senator.

Mr. PEPPER. The language of limitation to which the Senator refers, I assume is the part beginning with the words—

But without interfering with the activity for which such loans or grants are made to a greater extent than is reasonably necessary for the purposes of this section.

Mr. HATCH. Yes.

Mr. PEPPER. What does that mean? I will ask the Senator to define what that means.

Mr. HATCH. The Senator cannot understand it.

Mr. PEPPER. If the Senator from New Mexico were sitting as a judge, what would he say that means?

Mr. HATCH. If the Senator cannot understand the language, I am sure that nothing that I can say would make it any plainer. It means exactly what it says. It is not difficult to tell if the withdrawal of funds would interfere with or cripple or destroy an activity.

Mr. PEPPER. Suppose the State of Florida receives, we will say, \$1,000,000 a year from the Bureau of Public Roads, and suppose \$50,000 is withheld because of an employee or a group of employees violating this proposed law, is that to be held erroneous or justified if it comes into a court, and, if so, what is the standard that the court should follow?

Mr. HATCH. It would depend altogether on the nature of the violation.

Mr. PEPPER. I will ask the Senator this question: Is there any analogy of which the Senator knows in any existing statute or law to that provision?

Mr. HATCH. Yes.

Mr. PEPPER. I will be glad to have the Senator suggest one.

Mr. HATCH. I referred to one a while ago. We gave the Social Security Board power to require the setting up of a merit system and to withhold funds if such a system were not followed. That course of action has been pursued right along. And among other conditions required to exist is identically the same rule against political activity.

Mr. PEPPER. I want to suggest to the Senator that in the ordinary case the Federal Government prescribes the conditions upon which the Federal funds may be allocated. If those conditions do not exist, then the Federal funds are not allocated, and, therefore, generally not received. In certain cases, for example, the Federal funds must be matched.

Mr. HATCH. Does the Senator say that?

Mr. PEPPER. Yes; I say that that is usually the case. For example, social-security funds must be matched by the States. If they are not matched, Federal funds are not allocated. Generally speaking, I say the Congress defines the conditions upon which the Federal appropriation becomes effective; for example, a matching requirement. If the State agency does certain things, then it is entitled to a Federal appropriation; it is up to the administrative agency to determine whether or not the conditions have been met; but those are standards usually capable of definition, whereas in this case there is unlimited discretion and uncontrolled caprice which may be exercised by the Civil Service Commission in passing upon the matter.

Mr. CLARK of Missouri. Mr. President—

Mr. HATCH. I yield to the Senator from Missouri.

Mr. CLARK of Missouri. I should be glad to have the Senator from Florida state the instances where the specific provisions as to matching are written. Of course, that is true in the case of highway funds and in a few other instances. I know of one Government activity in connection with which my State gets four times as much from the Federal Government as the State appropriates for itself; but in the great body of appropriations we have made during

the last 7 years we have simply signed blank checks and allowed the money to be allocated to the States.

Mr. PEPPER. What I intended to say was that a general standard was provided in the law with respect to the appropriation of Federal funds, and I stated that that is true with respect to the Bureau of Public Roads funds and social-security funds and practically all other funds that are appropriated by the Federal Government. The existence of the conditions and whether they exist or not usually depends upon the finding of the administrative agency.

Mr. CLARK of Missouri. The Senator does not contend that that applies to relief or public health or numerous other Federal contributions?

Mr. PEPPER. I am glad the Senator mentioned relief, for I can use that for analogy. Under the existing relief law each State is required to put up a minimum of 25 percent of the cost of W. P. A. projects.

Mr. CLARK of Missouri. Yes; but Congress appropriated vast sums for direct relief without any requirement whatever of that sort, and for a long time it did not require any direct contribution locally on W. P. A. projects, with the result that we found in the unemployment committee a year or so ago that the city of Greater New York, for instance, had made a contribution of less than two-tenths of 1 percent, while the State of North Dakota has made a contribution of 34 percent.

Mr. PEPPER. And it was because we were dissatisfied with an uncontrolled discretion in the distribution of relief funds that Congress laid down the standard of 25 percent.

Mr. CLARK of Missouri. In some cases.

Mr. PEPPER. But that is not a penal statute, as in this case.

Mr. HATCH. Of course, the Senator was himself the one who raised that question, and I was amazed at his statement that we did make money grants and provide appropriations without any limitations whatsoever.

The PRESIDING OFFICER. Does the Senator from New Mexico desire to offer an amendment to the committee amendment?

Mr. HATCH. Yes; I desire to offer it.

The PRESIDING OFFICER. Is there objection?

Mr. DANAHER. What is the amendment?

The PRESIDING OFFICER. The clerk will state the amendment to the committee amendment offered by the Senator from New Mexico.

The LEGISLATIVE CLERK. In the committee amendment, on page 7, after line 3, after the word "section", it is proposed to strike out the period and insert the following:

Provided, That in no event shall loans or grants pledged by a State or local agency as security for its bonds or notes be withheld where such action would jeopardize the payment of principal or interest on such bonds or notes.

The PRESIDING OFFICER. The Chair understands that is an amendment offered by the Senator from New Mexico to the committee amendment.

Mr. HATCH. That is correct.

The PRESIDING OFFICER. Without objection, the committee amendment will be so modified.

Mr. MILLER obtained the floor.

Mr. BARKLEY. Mr. President, will the Senator yield to me to make a parliamentary inquiry?

Mr. MILLER. I yield.

Mr. BARKLEY. I inquire, Are we considering the language in italics in section 12, on page 4? Is all section 12 a single amendment?

Mr. MILLER. That is one amendment.

The PRESIDING OFFICER. The Chair understands that is one amendment.

Mrs. CARAWAY. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER. The junior Senator from Arkansas has the floor.

Mr. HILL. Mr. President, will the Senator from Arkansas yield to me to make a point of no quorum?

Mr. MILLER. I yield.

Mr. HILL. I suggest the absence of a quorum.

Mrs. CARAWAY. I made the point of no quorum, Mr. President.

The PRESIDING OFFICER. The absence of a quorum being suggested, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	King	Russell
Andrews	Downey	La Follette	Schwartz
Ashurst	Ellender	Lee	Schwellenbach
Austin	Frazier	Lodge	Sheppard
Bailey	George	Lucas	Shipstead
Bankhead	Gerry	Lundeen	Slattery
Barbour	Gibson	McCarran	Smathers
Barkley	Gillette	McKellar	Smith
Bilbo	Green	McNary	Stewart
Brown	Guffey	Maloney	Taft
Bulow	Gurney	Mead	Thomas, Idaho
Byrd	Hale	Miller	Thomas, Okla.
Byrnes	Harrison	Minton	Thomas, Utah
Capper	Hatch	Murray	Tobey
Caraway	Hayden	Neely	Townsend
Chandler	Herring	Norris	Truman
Chavez	Hill	Nye	Tydings
Clark, Idaho	Holman	O'Mahoney	Vandenberg
Clark, Mo.	Hoit	Overton	Van Nuys
Connally	Hughes	Pepper	Wheeler
Danaher	Johnson, Calif.	Radcliffe	White
Davis	Johnson, Colo.	Reed	Wiley

The PRESIDING OFFICER. Eighty-eight Senators have answered to their names. A quorum is present.

Mr. MILLER. Mr. President, yesterday afternoon I proposed an amendment in the nature of a substitute for the committee amendment, beginning with line 15 on page 4 and going down to and including line 18 on page 7. If the amendment I propose should be adopted by the Senate, it would necessitate also striking out sections 13 and 15 of the bill. The amendment I propose, which is in the nature of a substitute, is for the purpose of getting at what I think to be the real heart of this entire controversy. I am proposing to strike out of the bill section 3, the section in italics, which has been the cause of most of the discussion, and to substitute therefor a provision repealing section 9 of the original Hatch Act.

The original Hatch Act was passed by this body on the 13th day of April 1939. It is true that the act had been discussed to some extent prior to that time; but on the day on which it passed, and on the day on which the amendments were adopted, it received scarcely any, if any, discussion. As the remedy I suggest calls for a repeal of a portion of the original act—which, if it is repealed, will make it utterly unnecessary to consider sections 3, 13, and 15 of the pending bill—I desire, if I may, briefly and I hope fairly to review the provisions of the so-called Hatch Act. I should like to call the attention of the Senate to that act to see just where we are and what we are undertaking by this bill to amend.

I take it no one would have any objection to section 1 of the Hatch Act. It simply makes it unlawful to intimidate or coerce any person in any election.

Mr. MINTON. Mr. President, will the Senator yield at that point?

Mr. MILLER. I yield.

Mr. MINTON. That section applies to everyone?

Mr. MILLER. It applies to everyone.

Mr. MINTON. The person affected might be the president of a corporation intimidating the employees of the corporation.

Mr. MILLER. That provision is universal.

Mr. HATCH. Does the Senator approve of that section?

Mr. MINTON. Oh, of course I approve of it.

Mr. MILLER. Mr. President, I desire to be courteous to my colleagues; and, if they want me to yield, I shall be glad to yield to them.

The PRESIDING OFFICER. The Chair understands that the Senator from Arkansas would like to have Senators ask permission to interrupt him.

Mr. MILLER. I think that is perfectly proper.

Mr. President, section 2 of the Hatch Act is dealt with in this bill. If Senators will observe the bill now under consideration they will see that section 2 is exactly the same as section 2 of the Hatch Act, with the exception of the words beginning on page 2, in line 4, at the figure (2), going

down to and including the words "United States" on the same page, in line 16. In other words, that part of the bill is section 2 of the Hatch Act made applicable to certain State officials, and is a reenactment of certain provisions of section 2 of the original act.

Section 3 of the Hatch Act was at that time, and is now, substantially the same provision that is carried in the Corrupt Practices Act, which has been the law for many years.

The reason I am calling the attention of the Senate to these provisions is that, in my opinion, the provisions of the Hatch Act which I do not seek to repeal or to change are ample to protect everybody, and at the same time preserve to the average citizen his rights as a citizen.

Section 4 of the Hatch Act, which is not sought to be interfered with, makes it unlawful to deprive anyone of employment or threaten to deprive anyone of employment. That is the provision which was enacted because of certain talk about W. P. A. manipulation. Everybody approves of that provision, and it is general in its application.

Mr. McKELLAR. Mr. President, the same provision is in the appropriation act regarding W. P. A. workers.

Mr. MILLER. Yes; the same provision is in the appropriation act. That is true. Nobody can object to that provision, and it is all-inclusive. It is general in its application.

Section 5 of the Hatch Act makes it unlawful to solicit funds from persons who are receiving their pay from appropriations made by Congress. Nobody objects to that section.

Section 6 makes it unlawful to furnish or to aid in furnishing lists of employees receiving their pay from appropriations made by Congress.

Section 7 makes it unlawful to use any appropriation now or hereafter made, or any part of it, to coerce, to intimidate, to influence, or otherwise to interfere with an election. That section is left intact.

Section 8 is the criminal provision affecting the sections referred to, and it provides a penalty of \$1,000 fine for violating those sections.

Now, we come to section 9 of the act, which, in my opinion, should be repealed. If it should be repealed, it would make unnecessary further consideration of section 3 of the pending bill or that part which is in italics.

Let me call the attention of the Senate to the fact that the portion of the bill under consideration, beginning on line 15, page 4, the portion in italics, is an attempt to extend section 9 of the original Hatch Act to State employees, with the addition of the enforcement provision, through and by the Civil Service Commission. That, in effect, is what this section in italics, the one I am seeking to strike out, does. If it should be stricken out, then it is certain that section 9 should be repealed.

Now let us see about section 9 and consider what kind of a measure we have here. What is the present law? I have called the attention of the Senate to the provisions of the Hatch Act which would be left intact, and which, in my opinion, and I believe in the opinion of every disinterested person, protect everyone from any influence, coercion, or intimidation, official or otherwise. Now we come to section 9 of the Hatch Act, and I call attention to this specific language:

It shall be unlawful for any person employed in the executive branch of the Federal Government, or any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof.

That is the first sentence of section 9. Let me call attention to the first sentence of section 2 of the same act, because if there ever was a "nigger in the woodpile," he is found lurking in section 9 of the act. The first sentence of section 2 is almost word for word like the first sentence of section 9, with the exception that in section 9 the words "or influence" have been added. Under section 2 of the original Hatch Act the use of official authority is prevented. No one objects to that. Officials should not be permitted to use official authority. But let us see what the act provides, reading a little further. In section 9, by the first sentence, it is sought to prevent the use of official authority or influence.

Mr. O'MAHONEY. Mr. President—

The PRESIDING OFFICER (Mr. HILL in the chair). Does the Senator from Arkansas yield to the Senator from Wyoming?

Mr. MILLER. I yield.

Mr. O'MAHONEY. Does the Senator contend that the first sentence of section 9 is fully covered by section 2 of the Hatch Act?

Mr. MILLER. I think so.

Mr. O'MAHONEY. In other words, the statement in the first sentence of section 9 that "it shall be unlawful for any person employed in the executive branch of the Federal Government, or any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof," is, in purpose and effect, the same as the language in section 2, which reads:

It shall be unlawful for any person employed in any administrative position by the United States, or by any department, independent agency, or other agency of the United States (including any corporation controlled by the United States or any agency thereof, or any corporation all of the capital stock of which is owned by the United States or any agency thereof), to use his official authority for the purpose of interfering with, or affecting the election or the nomination—

And so forth. So that the first sentence of section 9 is, the Senator contends, a mere repetition of the provision of section 2?

Mr. MILLER. A repetition, except in this respect—and this is why it was inserted—that after inserting the first sentence in section 9, then in the next sentence we provided an escape clause, and practically nullified section 2. Let me read further:

No officer or employee in the executive branch of the Federal Government, or any agency or department thereof, shall take any active part in political management or in political campaigns. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects.

Then:

For the purposes of this section the term "officer" or "employee"—

And the words "officer" or "employee" are in quotation marks, seeking to convey the thought that the application is to the particular words "officer or employee," but the provision of the first sentence is that whoever shall be employed in the executive branch shall be under certain obligations, and a man is your employee, although you may not call him such, if he is working for you, and likewise a man working in the executive branch is an employee of the executive branch. Therefore those are exempt, because—

For the purposes of this section the term "officer" or "employee" shall not be construed to include (1) the President and Vice President of the United States; (2) persons whose compensation is paid from the appropriation for the office of the President; (3) heads and assistant heads of executive departments—

And it would be interesting to see a roster of the assistant heads of the various departments—

(4) officers who are appointed by the President, by and with the advice and consent of the Senate, and who determine policies to be pursued by the United States in its relations with foreign powers or in the Nation-wide administration of Federal laws.

Such officers in the executive branch of the Government may use their official authority under section 9. The only thing that section means, when it is reduced to practicalities, is that we are exempting and saying to a certain group of men in Washington, men who direct the policies, "You can do whatever you please about it. You can take such action as in your judgment the conditions warrant and dictate," but if any man who is not a director, or who is not a policy former, or who is not an assistant head takes the action, what happens to him? He is discharged. And who discharges him? The same man who is exempted from the penalty.

The next section provides:

Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by any act of Congress for such position or office shall be used to pay the compensation of such person.

What does that mean from a practical standpoint? Let us be practical about this matter. There is nothing mysterious about it. I know there is not a Member of the Senate, indeed, not a Member of the Congress, who does not want fair elections. This act is called an act to prevent pernicious political activities. In section 9 is the most pernicious provision found in any statute I have ever seen, for this reason: We have exempted the policy formers, the bureaucrats, the men in Washington; yet the men who are out in the bushes, the men who are out in the field, the men who are doing the work, cannot do anything except vote, and probably whisper to their neighbors, if they do not get caught at it.

Suppose a man does not comply with the law; suppose a man attempts to preserve his rights as an average citizen; what happens to him? His superior takes his head off, that is all. It merely means, from a practical standpoint, that the head of the executive department may dictate to every employee in the department, because the head is exempt, while the employees are not. Is that fair? Is it American?

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. McKELLAR. If it is a good law, why exempt Senators, for instance? Why not include Senators? Senators are as much interested in politics as anyone else in the world.

Mr. MILLER. I have heard so.

Mr. McKELLAR. Why should we take the inoffensive, small employees in the various States, who happen to be paid out of a Federal appropriation, and undertake to penalize them for taking any part in elections, and in the same act excuse Senators? I think Senators, members of the Cabinet, and all other officials should be included in the act if we are to pass a law such as this. I think there ought to be the same law for all. There ought not to be exceptions in the law, in my judgment.

Mr. MILLER. I heartily agree with the Senator; but what I am trying to point out is what we have already done. What I am proposing to do is to repeal section 9, and with its repeal goes the necessity of the enactment of that part of the pending bill which is in italics, and also there passes out with it section 13 and section 15.

"Pernicious" means harmful, baneful, destructive. I cannot for the life of me see why it should be considered a pernicious act for an upright citizen, even though he may be drawing his money from the Federal Government, to exercise the same privileges as every other citizen exercises. Yet in this case we say that he can vote and can express an opinion, but he had better not go to any political function; he had better not go into a political headquarters; he had better not be seen lurking around any place of public speaking; he had better not exercise the right of free speech and make a speech, because, if he happens to say something contrary to the political views of the head of his department, off goes the employee's head, and he ceases to be an employee.

I may call the attention of the Senate further to the next provision of the Hatch bill.

Mr. O'MAHONEY. Mr. President—

The PRESIDING OFFICER (Mr. HILL in the chair). Does the Senator from Arkansas yield to the Senator from Wyoming?

Mr. MILLER. I yield.

Mr. O'MAHONEY. Before the Senator proceeds to the next provision I should like to have him illuminate a little more the argument which he has just made. It strikes me that the Senator has made a very important assertion—namely, that the second part of section 9 of the present law nullifies the provision of the first sentence. The first sentence, which is identical, as the Senator argues, with section 2—

Mr. MILLER. Practically identical.

Mr. O'MAHONEY. Prohibits any person employed by the Federal Government from using his official authority or influence to affect an election. I take it that by that the Senator means that any person in the Federal service who uses the power and responsibility vested in him by reason of the

law which creates his position to affect an election is offending against this law.

Mr. MILLER. Offending against section 2 and section 9.

Mr. O'MAHONEY. The Senator agrees that that sort of an offense should be punished?

Mr. MILLER. It should be, and is, under section 2.

Mr. O'MAHONEY. But then the Senator says that the sentence further down in the paragraph, which describes and defines the meaning of the word "employee" exempts from the prohibitions of the act certain types of employees, among them heads of Government bureaus. Is it the Senator's argument that by reason of that sentence the head of a Government bureau is authorized to use his official influence in carrying out a law to interfere with an election?

Mr. MILLER. No; I mean to say, Mr. President, that the first sentence of section 9 is surplusage. Section 2 of the act prohibits the use of official authority. It is made a crime to violate section 2. But to violate section 9 is not a criminal offense; the only penalty being discharge from employment.

Mr. O'MAHONEY. I understand that; but I was trying to develop the exact meaning of the Senator's statement that this was an escape clause. Is it the Senator's contention therefore that an employee who is defined in the sentence of section 9 beginning with the words "for the purpose of this section the term 'officer' or 'employee,'" may disregard the first sentence of section 9?

Mr. MILLER. I think so.

Mr. O'MAHONEY. In other words, let us take a particular office, and I use the office of First Assistant Postmaster General because at one time I occupied that position. That official under the first sentence would be prohibited from bringing together, let us say, the employees of the Post Office Department into his office and talking to them about political matters, and saying, "I should like to have you vote this way or that way." That would be prohibited?

Mr. MILLER. Yes; by section 2.

Mr. O'MAHONEY. It is also prohibited by the first sentence of section 9.

Mr. MILLER. Yes.

Mr. O'MAHONEY. Is it the Senator's contention that by reason of the escape clause such an officer would be permitted, without offending the law, to attempt to use his official influence in that way?

Mr. MILLER. That is my contention, certainly.

Mr. HATCH. Mr. President, will the Senator yield to me at that point?

Mr. MILLER. I shall yield to the Senator after I have made one more statement. In other words, he can do the very things stated by the Senator from Wyoming without incurring the penalty of section 9, which is dismissal.

I now yield to the Senator from New Mexico.

Mr. HATCH. The Senator does not mean to say, I take it from his last remark, that the employee would not incur the penalty provided in section 2?

Mr. MILLER. No. I am holding sections 9 and 2 separate and apart.

Mr. HATCH. But section 2 is still in effect?

Mr. MILLER. Section 2 is still in effect; yes.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. BYRNES. I was obliged to step out of the Chamber for a few minutes. I wish to know how the Senator justifies the contention that the First Assistant Postmaster General, in the illustration offered by the Senator from Wyoming, could exercise his power to influence the vote or the views of his employees without violating the first sentence of section 9, and likewise the first sentence of section 2. What is the escape clause?

Mr. MILLER. The point is that he might violate section 2 of the original Hatch Act; but the only penalty there provided is a trial by court and jury, with possible fine and imprisonment. But if he violates section 9—

Mr. BYRNES. That means dismissal.

Mr. MILLER. Yes; that means simply dismissal. Therefore, he is exempted by section 9 from incurring the risk of being discharged.

Mr. BYRNES. He would have a trial in court.

Mr. MILLER. Yes; that is all. I would much rather be tried any day by a jury of 12 men and a fair-minded court than by a bureaucrat.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. DANAHER. I should like to ask the Senator from Arkansas if he does not recognize a distinction between the holder of an administrative position, within the meaning of section 2, and the holder of an executive office, within the meaning of section 9?

Mr. MILLER. Mr. President, I do not; and neither do the lawbooks. I thought there was a difference between an administrative officer and an employee of the executive department. But the books tell me there is no difference; that an administrative officer is an employee of the Government, except in the legislative and judicial branches, and that he is employed to execute the laws in the executive department. There is a distinction in words but no difference in meaning.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. MINTON. Does the Senator contend, then, that the words "administrative position" as used in section 2, would include, let us say, the President of the United States?

Mr. MILLER. I think they would.

Mr. MINTON. And the members of his Cabinet, of course?

Mr. MILLER. I do not think there can be any doubt in the world about it.

Mr. President, I want to submit to the Senate whether we have not gone as far as any legislative body should go in the enactment of the original Hatch Act, and whether section 9 should not be taken from it now, upon the first opportunity we have, in order to protect the rights of the average citizen.

Mr. President, to me it is a terrible thought that I or any other average citizen of this country should be denied the right of free speech, should be denied the right to go on the public forum and discuss publicly any issue which may be before the American people. Yet there are thousands and thousands, yes, hundreds of thousands of men and women in this country today who under section 9 are denied that privilege.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. SHIPSTEAD. I realize what the Senator is protesting against, and still is that not the essence of civil service?

Mr. MILLER. Please do not ask me to define civil service.

Mr. SHIPSTEAD. I am not asking the Senator to define it. I am asking if what the Senator objects to is not the essence of civil service.

Mr. MILLER. I do not think so.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. MINTON. It is not the essence of civil service as the Hatch Act applies it. Those under civil service are required to take no part in political activity, but they are given something in exchange. They are given security of position, whereas those whom the Hatch Act affects are not given anything in exchange for the thing taken away from them. They have no security of position. They have no right to defend their position or to hold their position. That right is denied them under the Hatch Act.

Mr. MILLER. Mr. President, I do not wish to detain the Senate on this matter. I know that I have as much interest as has any other Senator in the welfare of the people of our country, in the form of our Government, and in the way of doing things according to American tradition. However, we have come to a peculiar point in our history when we give to bureaucrats and heads of departments in Washington the right to discharge any man for exercising a right for which our forefathers fought. That is how far we have gone with the Hatch Act. Section 9 should be eliminated. As I have previously stated, if my amendment is adopted, it will obviate

the necessity of giving consideration to section 3 of the pending bill.

I say very frankly, Mr. President, that I think section 2 as proposed to be amended by the pending bill should be adopted. Section 2, as proposed to be amended, applies, and seeks only to apply, to State officers, and applies to State officers in States where Federal money is being expended, the same rule that is applied to Federal officers under section 2. But that is as far as we ought to go. That is as far as we can go in good conscience.

I submit to the Senate, in all fairness and candor, that the way out of this dilemma, the way out of the intolerable situation in which we find ourselves, is to adopt the amendment I have proposed, and thus give consideration to section 2, and determine whether or not we want to apply the official authority applied in section 2 of the original act. Then we shall have a livable, workable American law.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. DANAHER. I wish to invite the attention of the Senator to a comparison between section 2 and section 9, and ask his opinion. Before I do so, I wish to point out that the comparison does not bear at all on the Senator's argument solely with reference to section 9, but only insofar as he would have us think that section 9 is surplusage.

Mr. MILLER. No; if the Senator has the idea that section 9 is surplusage, he has the wrong impression.

Mr. DANAHER. I do not have that idea, but I think the Senator may have left that impression.

Mr. MILLER. No; I was referring to the first sentence of section 9.

Mr. DANAHER. Very well.

Then, Mr. President, with that definition of an understanding between us, let me put this question:

Under the language of section 2, an administrative officer is forbidden, under criminal penalty, to use his official authority for the purpose of interfering with the election of a Federal officer, but the first sentence of section 9 very definitely applies to and limits the use by the executive officer of his official position in any election.

Mr. MILLER. The language is "with an election."

Mr. DANAHER. Therefore, it may mean any election; may it not?

Mr. MILLER. Taking the context of the act, it would certainly mean any election. That makes it even more obnoxious.

Mr. DANAHER. It may well be that that particular point is in line with the objective which I seek to make clear. I believe the junior Senator from Louisiana [Mr. ELLENDER] recently told us about actions in Louisiana in which a member of the executive branch of the Federal Government, as I understand the term "executive branch of the Federal Government," went into Louisiana and, according to the Senator from Louisiana, very markedly affected an election which took place in that State. That was the burden of the address which we heard. As I see it, that type of violation, if it be a violation, is the type inveighed against by section 9. There is nothing in it which is criminal per se, and therefore such an officer, if he can be said to have violated the law, comes within section 9 (b), but is not answerable in any sense to the criminal penalties involved in the definition of section 8. Is that statement substantially coincident with the Senator's view?

Mr. MILLER. Should he come within the provisions of the first sentence of section 9, he would be excused by the sentence following, because he is an employee of an executive department. The man to whom the Senator has reference evidently occupied a policy-making position. He was an assistant to the head of a department of the Government. Therefore, he would have been excused.

Mr. DANAHER. Mr. President, will the Senator further yield?

Mr. MILLER. I yield.

Mr. DANAHER. The Senator will understand that I did not charge that the official in question had affected the election.

Mr. MILLER. I understand.

Mr. DANAHER. I was seeking to find out whether or not the Senator's argument would apply to that type of conduct.

Mr. MILLER. He would be excused from discharge because he was the assistant to the head of a Department.

As I started to say, Mr. President, it is not my desire to detain the Senate. As much as any man I appreciate and honor the Senator from New Mexico for his sincerity of purpose, his faithfulness, and his tenacity. I am in sympathy with the objective which he seeks to reach. However, I submit to the Senate that the motives of the Senator from New Mexico are no higher or purer than are the motives of any other Member of the Senate. He has not so implied. He would not so imply, because he is a sincere and honest man. However, because of our unquestioned faith in his integrity and judgment we have been led into a situation which is intolerable, and it is now sought to lead us further. I know the Senator did not mean to lead us into an intolerable situation. Nevertheless, that is what has happened.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. HATCH. I do not wish to take the floor again. I thought the Senator was about to conclude. I wish to thank the Senator for his very gracious and kind remarks. Later, I shall take the opportunity to reply to the argument which the Senator has made, especially with regard to certain legal phases of the act with respect to which I think the Senator is clearly mistaken.

As to being misled into an intolerable situation, I must say to the Senator from Arkansas that I think the passage of the act was not due to leadership and certainly not to purity on the part of the Senator from New Mexico. However, the situation is not intolerable. It is not intolerable to try to protect the freedom and sanctity of the ballot, and to insure free elections of free men. That is what the Senator from New Mexico is trying to lead to, through the act which was passed and through the pending measure, and not to an intolerable situation.

Mr. MILLER. That is exactly what I am seeking to do. I should like to have free elections. I should like to have elections free from intimidation and domination by heads of departments and assistant heads of departments. Such elections cannot be had under this law. Heads of departments and their assistants may act with impunity.

I welcome the time when the Senator from New Mexico will discuss the Hatch Act to prevent pernicious political activity, because I know that a discussion from him in his fair, able, and comprehensive manner will lead the alert minds of the Senate, many of whom are doing me the honor to listen, to the inescapable conclusion that section 9 ought to be repealed if we are to maintain liberty and political freedom in this country.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. CONNALLY. I particularly enjoyed the Senator's discussion of section 9. I wish to ask him a question or two with reference to section 12.

Mr. MILLER. Does the Senator mean section 12 of the act?

Mr. CONNALLY. I refer to the proposed new section 12 of the act, found on page 4 of the bill.

Mr. MILLER. That is the section which I am seeking to strike out by an amendment which would also insert a clause repealing section 9 of the original act.

Mr. CONNALLY. Then the Senator ought to redraft his amendment, because the new section 12 is a committee amendment.

Mr. MILLER. That is true; but we are operating under an agreement.

Mr. CONNALLY. I wish to ask the Senator about not only the legality but the public policy involved in the following language on page 5, line 23, as to the powers of the Civil Service Commission:

If the Commission determines that any such violation has occurred, it shall * * * certify to the appropriate Federal agency the amounts of any loan or grant which should be withheld on account of such violation and whether any such amount should be withheld permanently or temporarily or conditionally.

I am amazed that any Senator should be willing to give the Civil Service Commission that kind of authority. It is not for us to decide, but we are to let the Civil Service Commission determine the amount of the loan or grant which shall be withheld, and whether any amount ought to be permanently withheld, or tantalizingly held up before the agency with the statement, "We will make you do as we say or we will take it back," like a person holding up a bale of hay before a hungry horse—

And whether any such amount should be withheld permanently or temporarily or conditionally.

I do not think we ought to give such power to the Civil Service Commission or any other agency:

If the Commission determines that such violations warrant the removal of the officer or employee by whom it was committed from his office or employment—

Most States have laws to the effect that an officer may not be removed unless he is impeached by the house of representatives and tried by the senate, but we proposed to give the States a much more efficient method of removing their officers. We propose to take the matter out of their hands and put it in the hands of the Civil Service Commission, so that an officer or employee may be put out over night; and if the agency does not comply with the decision of the Civil Service Commission, we will take the money away from it.

I invite attention to the following language on the same page:

The Commission shall determine and certify to the appropriate Federal agency an additional amount to be similarly withheld from a loan or grant to a State or local agency within such State.

Then the language on page 6, line 23:

and prescribe such permanent or temporary withholding thereof and such conditions with respect thereto as in its judgment are sufficient to prevent violations of this section—

And so forth. Whose judgment? The judgment of State authorities? No. The judgment of the Congress? No. But the judgment of the Civil Service Commission.

As in its judgment are sufficient to prevent violations of this section or evasion of its purposes.

Then on page 7 the bill continues:

The Commission is authorized to adopt such reasonable procedure and rules and regulations as it deems necessary to execute its functions under this section.

I am amazed to find language of that kind in a bill in any legislative body, to say nothing of the Senate of the United States.

Mr. MILLER. Mr. President, I should like to observe, in reply to the suggestion made by the Senator from Texas, that I am not rushing to the defense of section 12, for I am proposing to strike it from the bill. Let me, however, call the attention of the able Senator from Texas to the fact that, horrified, as he rightfully is, at the attempt to grant power to the Civil Service Commission, I should like to have the Senator turn his mind to section 9 of the Hatch Act and he will find there—

Mr. CONNALLY. I will say to the Senator I have not that before me, but I think I sympathize with him in his attitude toward section 9.

Mr. MILLER. I do not need sympathy; I need votes, that is what I mean.

Mr. CONNALLY. The Senator from Texas sometimes votes as he sympathizes.

Mr. MILLER. I agree most heartily in that statement.

Mr. CONNALLY. Let me ask the Senator about another clause on page 7, following what I quoted a moment ago. I refer to the clause reading:

Any determination made by the Commission under this section shall be final and conclusive upon all accounting and other officers of the United States and all other persons.

I presume on the men who are kicked out of office it is final and conclusive also. In my State if a man sues another for more than \$20 he has a right to appeal to some court, but under this measure when the Civil Service Commission acts it is all over; there can be no appeal; no responsibility in anybody; but the action is "final and conclusive upon all accounting and other officers of the United States and all other persons." I agree with the Senator that section 9 is too strong, but I am not prepared to go as far as the Senator from Arkansas when he wants to include State officers in section 2.

Mr. MILLER. I am merely making a suggestion, I may say to the Senator, and I do not think the Senator from Texas would object to a prohibition against a State officer using his executive authority in a political way.

Mr. CONNALLY. The people of a State through their legislature should determine that question.

Mr. MILLER. That is true; but they are spending Federal money. However, I do not care to become involved in that phase of the argument, but, to say the least, it would be tenable.

In connection with what the able Senator from Texas said in reference to the Civil Service Commission and to the finality of their decrees and findings, let me again call attention to section 9. It prohibits a man who speaks to you and knows you from taking an "active part in political management or in political campaigns." What is an "active part in political management or political campaigns"? That is another one of those mysterious terms that may be defined by the man who is exempted. If John Smith, an employee, should go to the campaign headquarters of a United States Senator who was seeking reelection and who was obnoxious to the assistant head of the assistant to the assistant head or some other policy-making official here, what would happen? Off would go John Smith's official head, and there would be no appeal.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. DANAHER. May I point out to the Senator that if he will refer to page 5 of the bill he will find that John Smith, so to speak, would not even know what he was charged with.

Mr. MILLER. The Senator refers to the portion of the bill in italics?

Mr. DANAHER. I refer to the portion on page 5, lines 15 to 19, inclusive.

Mr. MILLER. That is what I want to get rid of; I want to get rid of that section entirely; and if it were eliminated we would stop much argument.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. CHANDLER. I have enjoyed the very persuasive argument of my distinguished friend from Arkansas, and express pride and satisfaction that Kentucky contributed so much to his learning and early training. I think the Senator from Texas has criticized one of the best provisions of the whole bill. Some of us who have recently been Governors of States have had to deal with various boards and commissions, and always just before election, if we were not in accord with existing conditions, we were threatened with the withdrawal of public funds which, under certain statutes, come to the States to be matched by the States.

If I were in an executive position in my State now, I will say to the Senator that I would much prefer to deal with the Civil Service Commission or some unbiased, nonpartisan, honest agency that undertook to decide on the merits than to have some bureau or agency here telephone me once a week and say, "If you do not do thus and so, or if you do not

line up thus and so, you will lose the funds." That kind of thing gets very tiresome and monotonous.

We will mistake the temper of the American people if we do not reach the conclusion the Senator from New Mexico has reached, because, obviously, he has seen a vision and realizes that the people all over America are weary—it makes no difference whether it is Federal money or State money—of having the money of the taxpayers of America spent to have men elected to public office. If we do not clear up that situation some of these days the people will have a real revolt, and they will clear it up for us.

I am going to support the bill of the Senator from New Mexico for the reason that at one time I had some opportunity and some reason I thought to complain about the use of Federal employees against a candidate in an election, but I have no right to impose conditions on a Federal employee that I would not like to impose upon one who works for the State. The money we are spending, it must be remembered, is the money collected from the taxpayers of America who now pay every year more than they can afford; they need the money to be used for the purposes for which they pay taxes, and that is not to perpetuate anybody in office in the States or in the Federal Government. If we mistake the temper of the people and do not realize that they are determined, the time will come when they will ferret you out and you can be sure "your sins will find you out."

Mr. MILLER. Mr. President, the statement of the able Senator from Kentucky reveals exactly the error into which the Senate has fallen and is the best argument, as the Senator will realize if he will study the Hatch Act, why section 9 should be repealed. I will go just as far as will anyone else to prevent the use of official influence or official authority to control elections.

Mr. CHANDLER. Mr. President, will the Senator yield further?

Mr. MILLER. I yield.

Mr. CHANDLER. I go further and say that every man who holds an office, whatever it may be, and who for any reason expends the money of the people of America in the several States, should come under the law. I do not see any reason to include the little fellow and leave a policy-making official or an executive or administrative official free to use the money of the people of America to perpetuate himself or others in public office. I suspect that the Senator from New Mexico made the exemptions because he realized, perhaps, that he could not get his bill passed without them, and I imagine he will be just as willing as would any other Senator to take them all in and have it generally understood in the future that men who run for public office in the United States of America shall finance themselves and run on their record and quit spending the public money.

Mr. MILLER. I agree with the Senator.

Mr. HATCH. Mr. President, as the Senator from Kentucky referred to me, will the Senator from Arkansas yield?

Mr. MILLER. I yield.

Mr. HATCH. The Senator from Kentucky must have read the original bill, for there were no exemptions in it, and the only exemptions included were placed there because they had to be provided for certain policy-making officers, who, as a rule, hold political offices and have to go out and be active.

Mr. SMITH. Mr. President, will the Senator from Arkansas allow me to make an observation?

Mr. MILLER. I yield.

Mr. SMITH. We are trying to eliminate the use of Federal appropriations for political purposes. Does not the Senate know that we make them for political purposes? For heaven's sake, why not start at the root of the evil, the universal impoverishment of the United States to the tune of \$40,000,000,000 to do what? If we are going to stop to clean house, let us stop where the dirty work begins. We have no constitutional right to pour out billions of dollars for relief, for social security, and old-age pensions. You know, you are doing it to buy votes, and then come here and try to shut off those who are administering it—the little fellows. Let us start where the devilment begins, and stop it.

Mr. MILLER. Mr. President, I do not want the issues in this case obscured by any extraneous matter. Let me again, if I may do so without appearing petulant, suggest that we should not make the same mistake in the consideration of this bill that we made in the enactment of the original Hatch Act.

I do not think a majority of the Senate would have voted for the original act upon a thorough analysis of it. Let us confine this proposed legislation to what we want it to be. Let us confine it to a prohibition against the use of official authority, of official intimidation and coercion, for the protection of the man on relief, and for the protection of the man who is dependent upon the Government and upon the appropriations of Congress for a livelihood.

Let us protect him, but at the same time let us protect the citizens of the country who are working for the Government, and give them the same rights that you and I exercise. We can do that in this case by repealing section 9, by adopting this amendment, and then giving consideration to section 2 of the bill.

The PRESIDING OFFICER. Does the Senator from Arkansas offer his amendment?

Mr. MILLER. Yes; I offer the amendment.

The PRESIDING OFFICER. The Senator from Arkansas offers an amendment, which will be stated.

The LEGISLATIVE CLERK. In lieu of the language beginning with line 15, on page 4, and extending down to and including line 18, on page 7, it is proposed to insert the following:

Section 9 of the act entitled, "An act to prevent pernicious political activities," approved August 2, 1939, is repealed.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas to the committee amendment.

Mr. MINTON rose.

Mr. McNARY. Mr. President, I hope there will not be a vote on that amendment this afternoon. Some of the Members of the Senate are absent, and when the proper time comes I shall ask that the amendment go over until tomorrow; but I see that the able Senator from Indiana [Mr. MINTON] is now on his feet, and I think he desires to address the Senate.

Mr. MILLER. Mr. President, it was not my intention to ask for a vote on the amendment this afternoon. I understand that several Senators would like to be heard first, and the Senator from New Mexico [Mr. HATCH] a while ago served notice that he would like to discuss the Hatch Act, which discussion will be of benefit to us. I had no intention of asking for a vote on the amendment at this time. I merely wanted to have the amendment before the Senate.

Mr. McNARY. I appreciate the position of the able Senator; but the Chair was about to put the amendment to a vote.

Mr. MILLER. The Chair was just pressing for the transaction of business, as he had a right to so do.

Mr. President, in this connection, while I have the floor, I may say that if the amendment I have proposed shall be adopted I expect then to offer an amendment to strike out sections 13 and 15 of the bill, because they will obviously become unnecessary.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas [Mr. MILLER] to the committee amendment.

Mr. HATCH. Mr. President, a parliamentary inquiry: I was out of the Chamber. What is the question?

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas [Mr. MILLER], which has just been stated, to the committee amendment.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll. The Legislative Clerk called the roll, and the following Senators answered to their names:

Adams	Bankhead	Bulow	Chandler
Andrews	Barbour	Byrd	Chavez
Ashurst	Barkley	Byrnes	Clark, Idaho
Austin	Bilbo	Capper	Clark, Mo.
Bailey	Brown	Caraway	Connally

Danaher	Herring	Mead	Slattery
Davis	Hill	Miller	Smathers
Donahey	Holman	Minton	Smith
Downey	Holt	Murray	Stewart
Ellender	Hughes	Neely	Taft
Frazier	Johnson, Calif.	Norris	Thomas, Idaho
George	Johnson, Colo.	Nye	Thomas, Okla.
Gerry	King	O'Mahoney	Thomas, Utah
Gibson	La Follette	Overton	Tobey
Gillette	Lee	Pepper	Townsend
Green	Lodge	Radcliffe	Truman
Guffey	Lucas	Reed	Tydings
Gurney	Lundeen	Russell	Vandenberg
Hale	McCarran	Schwartz	Van Nuys
Harrison	McKellar	Schwellenbach	Wheeler
Hatch	McNary	Sheppard	White
Hayden	Maloney	Shipstead	Wiley

The PRESIDING OFFICER. Eighty-eight Senators having answered to their names, a quorum is present.

Mr. DANAHER and Mr. MINTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DANAHER. I shall be glad to yield to the Senator from Indiana if he has some question to ask. Otherwise, I should like to hold the floor for a few minutes, if I may.

Mr. President, some time earlier I offered an amendment with reference to a provision for a hearing, not only as to any person accused of violating any provision or clause of this bill, but also to require notice to be given to any affected State agency.

Mr. President, the principle involved of giving notice to an accused, one who would be under such penalty as is contemplated by this bill, is so perfectly clear and so ingrained in our law that even the thought of its being omitted would be repugnant to all of us. It has previously been discussed today, and the Senator from New Mexico [Mr. HATCH], in charge of the bill, has had a copy of it, as I submitted it to him. I believe there can be no objection, either in principle or in fact, to the pending amendment; and under the parliamentary situation as stated by the clerk today I understand that since the pending question, other than the amendment offered by the Senator from Arkansas [Mr. MILLER], is an amendment offered by the committee itself to the pending bill, and since my amendment seeks to amend the committee amendment, I ought at this time to ask unanimous consent to be permitted to call up and offer my amendment which now is on the table, if that be in order.

The PRESIDING OFFICER. The Chair will advise the Senator from Connecticut that he does not need unanimous consent to call up his amendment. His amendment is a perfecting amendment to certain language which the Miller amendment would strike out. Therefore, it is in order for the Senator from Connecticut to offer his amendment without obtaining unanimous consent.

Mr. DANAHER. I thank the Chair. I feared a conflict between the Miller amendment and mine. I ask that my amendment, which is on the table, be read by the clerk, and I offer it.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Connecticut.

The CHIEF CLERK. On page 5, line 18, after the word "shall," it is proposed to insert the following:

Forthwith by registered mail give notice to any such officer or employee and to the State or local agency employing such officer or employee of the pendency of the charge, in which notice shall be set forth a summary of the alleged violation and of the time and place for a hearing upon said charge, at which hearing (which shall be not earlier than 10 days thereafter) either the officer or employee or the State or local agency, or both may appear with counsel and be heard, whereupon said Commission shall—

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. DANAHER] to the amendment of the committee.

Mr. LUCAS. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LUCAS. Is that an amendment to section 9, or section 12?

The PRESIDING OFFICER. It is an amendment to section 3 of the bill, or the proposed amendment to section 12 of the Hatch Act.

Mr. LUCAS. I understood the Chair to say that this was an amendment to the amendment offered by the Senator from Arkansas.

The PRESIDING OFFICER. No; it is an amendment to the committee amendment.

Mr. DANAHER. Mr. President, under article VI of the amendments to the Constitution of the United States we find this statement of our fundamental rights:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

I recognize that this particular alleged violation is not criminal in nature, but it is penal, and because the question of fundamental rights is involved, it seems to me that the law should specifically provide for a hearing. The thought involved in my presentation of the matter has been thoroughly submitted, the Senator from New Mexico I am quite sure is in accord with me that the perfecting amendment should be agreed to, and I will not further take the time of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. DANAHER] to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment offered by the Senator from Arkansas [Mr. MILLER] to the committee amendment.

Mr. MINTON. Mr. President, I wish to take a few minutes to address myself chiefly to the amendment offered by the Senator from Arkansas [Mr. MILLER]. In my judgment, the amendment of the Senator from Arkansas draws the line of cleavage just where it ought to be drawn if we desire to keep within the title of the original Hatch Act, namely, to condemn certain pernicious political activities.

I will go as far as any man in the Senate to condemn coercion, intimidation, undue influence, or the oppression of voters in an election. I will go further in that regard than I think the Senator from New Mexico has gone in the original Hatch Act, or in the proposed amendment to the Hatch Act, which is now before the Senate.

I join the Senator from Arkansas in his eloquent appeal of this afternoon to the effect that we all want clean elections. There is not a Senator who is not opposed to coercion, to undue influence, and to the intimidation of voters.

When the original Hatch Act went quietly through this Chamber, and got by us all without any consideration, we thought that what the Hatch Act was dealing with was coercion, intimidation, the oppression, especially of the poor, unfortunate people on the W. P. A. rolls. At that time we had heard a great deal about the predicament of the workers on W. P. A., how they had been subjected to oppression here and to pressure there, and to coercion and intimidation in the matter of their votes. The country and the Congress of the United States were all outraged at the stories which came to us about the attempt to use Federal pressure and influence, particularly on the W. P. A. employees.

When the Hatch bill, therefore, came before the Senate, we all thought it carried provisions which looked to the extermination of coercion, intimidation, and undue influence. We thought that was the kind of a bill we were passing. But we woke up to find that the law had in it provisions which had never received any consideration at the hands of the Senate, provisions which had nothing at all to do with intimidation or coercion or undue influence of voters, provisions which had to do only with the exercise of the God-given right of every American citizen to support whomever he wanted to support in a political campaign.

Mr. President, the curse of democracy is that it is not possible to get people interested in democracy to the extent of going to the polls and voting, and here it is proposed by legislation to outlaw active and vigorous parties which are interested in the politics and the government of this country.

The Hatch bill was so framed that it covered not only pernicious political activities, but it included all political activities, and we sought by the measure to make a catch-all, covering not merely those who were oppressing and intimidating and using undue influence upon the voters of this country, but we took the voters who voluntarily wanted to go forth and do something in a political campaign and put their jobs in jeopardy, merely because they took part in a political campaign. They had not committed any other offense and they had not threatened to commit any other offense, yet we sought to say to them that they should not take any part in a political campaign, forsooth, because they held political jobs.

Mr. President, the Hatch Act, as the Senator from Arkansas so plainly pointed out this afternoon, contains many good provisions. There is not a Senator on the floor of the United States Senate who wants to destroy or weaken it, but many of us would make it go further.

The Miller amendment, in my judgment, draws a line between those provisions which condemn intimidation and coercion and the oppression of voters, and the voluntary action of voters. In other words, the Miller amendment would preserve every part of the Hatch Act which is directed at condemning the things we all want to condemn, that is, coercion and oppression and undue influence upon voters, but it says to the person who wants to go out voluntarily, not with intimidation, not with coercion, not with oppression, to take part in a political campaign, that he shall have the right to do so, and that no one shall say him nay. That, in my judgment, is what the Miller amendment would do.

It would draw the line between force and voluntary action. It would condemn force, but would permit a man to go out in a political campaign and exercise voluntarily his American right to be for whomever he wants to support in a political campaign.

Mr. President, is that pernicious? Where is the Senator who will rise in his place and say to me that an American citizen who participates in the democratic process by taking part in an election is engaged in a pernicious activity? It is not pernicious; it is an act we ought to encourage. We ought to encourage the people of this country to take part in the democratic process, instead of discouraging them and punishing them. All the Miller amendment would do would be merely to separate the things we all agree upon from the things we are all agreed should not happen.

Mr. President, I say that we are all against coercion. If we are against coercion we should be against the pending bill in all its aspects, because the bill is a bill of coercion. The bill, according to the words of the Senator from New Mexico, is not a bill which looks to the handing out or the withholding of Federal funds upon certain conditions, but rather to bringing about, as he said in one of his statements this afternoon, the withholding of funds because we want to bring about a certain result in the States among State employees.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. HATCH. I do not want my position to be misunderstood. I am afraid the statement the Senator has just made is not quite clear. The certain result to which I referred, using that term, I think I later explained, but to make it clear what I do desire to accomplish by this measure, and by the means of withholding funds, because that happens to be the only means I know of, I want applied to employees in the States to whom the Federal Government makes contributions exactly the same restrictions against political activities which we have applied to our own employees. That is exactly what I am trying to do, and if that is coercion, so be it.

Mr. MINTON. Very well. If I understand the Senator correctly, by this bill he does not want to withhold Federal funds. He is not concerned about withholding Federal funds from the States. What he is concerned with is to obtain a certain result in the States which everyone admits is purely a State matter.

Mr. President, let us see if the bill which the Senator from New Mexico has offered to us is coercive. It provides

that if someone who is employed in a State office, or an employee in an administrative department of the State, shall, forsooth, play some politics, and someone finds it out and reports it, we will say, to the Department in Washington which may be contributing some Federal funds to the department in which he is employed back in the State, then it becomes the duty of the Civil Service Commission here in Washington to investigate the matter. To determine what? Whether the funds shall be cut off? Oh, no.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. MINTON. I yield to the Senator from Texas.

Mr. CONNALLY. Let us assume that a State gets some road money. That money is allocated on a formula, supposedly, of need and other things. I do not remember the formula now, but we give the State that money on the theory that it needs some roads, but if someone connected with the system plays a little politics, why then—

Mr. MINTON. Then the State does not need any roads.

Mr. CONNALLY. It does not need any roads, and the money is withheld. I object to that kind of coercion. The use of the power of giving or withholding money is the worst sort of coercion. If a State does not need money for roads, do not give it any, but if it needs it, why should one who is not violating the law and needs to ride over the roads be penalized because some other man was politically active? Mr. President, I cannot see the justice of such a policy.

Mr. MINTON. I agree entirely with the Senator from Texas. I want to show in a minute or two that this measure is coercive.

Let us say that the man in question is employed in the highway department in my State, which receives money from the Federal Government; that he has been playing a little politics there, and someone reports him. Oh, there will be plenty of snoopers around who will make such reports to Washington. Do not worry about that; there will be plenty of that done. They may want to get his job or they may want to embarrass him in some other way. So they will report that an employee of the highway commission in Indiana played a little politics. Then does the Civil Service Commission investigate to determine whether something has been done there which would justify cutting off the fund? Oh, no. It investigates to find out if a little politics has been played there, and then the Civil Service Commission will say, "We will cut off so-and-so much of your funds because somebody played a little politics on the highway."

Is that all? No; that is not all. It might be all right if the bill did not go any further. It might be a standard by which we could all agree to operate. But that is not all. It is provided that the Civil Service Commission shall certify to the appropriate Federal agency the amount of any loan or grant involved, and whether any such amount shall be withheld on account of such violation, and whether any such amount shall be withheld permanently or temporarily. It is a question of whether the loan shall be cut off permanently, or temporarily, or conditionally, and, as a Senator said a little while ago, dangle it before their eyes like a bundle of oats before a mule.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. CHANDLER. Does the Senator know that that is being done now?

Mr. MINTON. Does the Senator know that it is being done now?

Mr. CHANDLER. Yes; that funds are being cut off from various States by boards and bureaus and commissions? That will not be done if and when the bill is passed. It is being done now. I suggest the case of Ohio, which did not get its relief funds a short while ago.

Mr. MINTON. That situation is on an entirely different basis, as I will attempt to show in a little while. What I was attempting to show, before I was interrupted, was that the bill is coercive. Those enforcing its provisions will coerce action. They will not be concerned about cutting off the Federal funds. They will not be concerned about conserving the Federal funds. They will not be concerned about whether people in Indiana need more roads or not. They will

not be concerned with that at all. They will cut off the funds—to do what? To obtain certain political results in a State, in a field that the Federal Government has no right to enter.

Mr. President, after it has been determined how much shall be withheld, and after it has been determined whether it shall be done permanently or whether it shall be done conditionally, then another consideration may be taken up. If the Commission determines that the violation warrants the removal of the officer or employee in question, then the Commission shall withhold more appropriations until he is discharged.

Mr. President, is that coercion? Is that handling of Federal funds looking to their wise expenditure in the States we want to help? No; that is coercion. It is desired to obtain a political result. It is desired to affect an election. It is desired to affect the activities of the employees of States.

Mr. President, more is desired. It is desired to go into the States and claim the right of the Federal Government to discharge employees of the States. Is that coercion? It is the worst kind of coercion. Is that all? Oh, no; that is not all.

If the Civil Service Commission determines that an employee has offended, he must lose his job. The Senator from New Mexico has not provided any protection to him, as to whether or not he should be heard, or should have the right of appeal. But the Senator from Connecticut has offered an amendment which may give the man a little protection. But when the fellow has been discharged, are we done with Federal coercion of the employees of the State? The Senator is not satisfied. He screws down the screws a little tighter, and the Civil Service Commission may do what? It may provide that the man who has been discharged shall be blacklisted for 18 months in his own State, and he cannot get a job anywhere in his own State for 18 months. For what purpose? In order to coerce and bring about a certain result in the State. It cannot be for any other reason. That is all it is for.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. CONNALLY. Mr. President, I have just returned to the city. Although I am a member of the committee which had the bill under consideration, I was not able to sit with the committee in its hearings on the measure.

Let us say, a State officer of some kind comes within the provisions of the bill, and let us say the Civil Service Commission decides that he should be discharged. Of course, he would have to be discharged under the State law, I assume, according to the provisions of the measure. How impartial would the board trying him be, or the legislature, or whoever had to oust him?

How impartial would the trial be, and how fair, if on one hand the trial board was faced with the threat from Washington that all the money or a part of the money would be cut off by reason of that political activity, and on the other hand the public was howling and clamoring and saying, "For God's sake do not let the money be cut off; discharge that man and do so quickly"? What kind of a chance would he have of holding his place under such circumstances?

Mr. MINTON. He would have about the same chance that a snowball would have in the proverbial place.

Mr. President, let me read a little further from this measure designed to bring about purity in politics, this bill which is so virtuous that those who oppose it have aspersions cast upon them. I now read from page 6, paragraph (c).

(c) In determining the amount of loans or grants to be withheld under subsection (b) on account of violations of subsection (a), the Commission shall take into account the nature of such violations and the circumstances under which they occurred—

Mark this, Senators—

and shall fix such amounts and prescribe such permanent or temporary withholding thereof and such conditions with respect thereto, as—

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To do what?—

as in its judgment are sufficient to prevent violations of this section—

And what is this section? It is the section dealing with persons who hold political jobs and take a little interest in politics.

And so, we see that this measure is a coercive one, designed and intended to coerce the State and the State employees, in order to accomplish a result which we on the floor of the United States Senate think we would like to accomplish.

The question now arises, Have we the right to go into a State and dismiss the employees of the State? Obviously no. Have we the right to go into a State when an election is about to take place involving no Federal office, and say to the State employees, "You cannot take part in the democratic process in politics?" Have we a right to do that? Obviously we have no right to do it. But now it is proposed to do it. How? By means of a measure whose provisions coerce a result that could not be obtained by acting under any authority which the Federal Government has under the Constitution.

In other words, we are trying to do in an indirect and coercive manner something we have not the power to do directly in the first instance. We have no constitutional power—and the Senator from New Mexico will not contend for a minute that we have—to tell the States on what conditions they shall discharge their employees. We have no right to go into the States and control State elections. But what do we propose to do? We propose to use the Federal power to give or withhold money in order to bring about the things we have no power under the Constitution to bring about directly.

Mr. President, that very thing has been condemned by the Supreme Court of the United States all along the line. It is a well-recognized doctrine in the decisions handed down by the Supreme Court that the Federal Government may not go into a State and exercise in that State a power that is not warranted by the Constitution in order to coerce the State into doing something which the Federal Government itself could not do. Let me cite some decisions on that question.

The Federal Government has the taxing power, and it exercises that taxing power with reference to narcotics, but in the case of *Linder v. United States* (268 U. S. 5), the law was so broadly drawn that a doctor was indicted for prescribing narcotics to his patients, and he was convicted. The case was brought to the Supreme Court of the United States. The Supreme Court of the United States said, "Yes; you have the taxing power, you have the right to establish this penalty, but you have no right to control the practice of medicine in the State of Washington." The Supreme Court said that the Federal Government has no right to control the practice of medicine in the States, and that it may not use the taxing power to coerce the kind of practice of medicine in the States that the Federal Government wishes to bring about. The Supreme Court turned Dr. Linder loose. This is the law laid down by the Supreme Court of the United States:

Congress cannot, under the pretext of executing delegated power, pass laws for the accomplishment of objects not entrusted to the Federal Government. And we accept as established doctrine that any provision of an act of Congress ostensibly enacted under power granted by the Constitution not naturally and reasonably adapted to the effective exercise of such power but solely to the achievement of something plainly within the power reserved to the States, is invalid and cannot be enforced.

So the Supreme Court of the United States held that because the Federal Government had no power to control the practice of medicine in the State of Washington, it might not do so indirectly by the taxing power. I say that we have no power to control purely State elections in the States, and we have no power to say under what conditions a State shall discharge an employee. Yet, through the power which we have to grant or withhold Federal contributions to a State,

it is proposed that we shall coerce the State into doing what we have no power to compel the State do in the first instance. The Supreme Court has always said that the Congress of the United States has no power to do so.

A more recent case, which Senators will recall, was the case decided by the Supreme Court a few years ago declaring the A. A. A. Act unconstitutional. In that case the Supreme Court said that the power to confer or withhold unlimited benefits is the power to coerce or destroy.

The Court further said in that case, in speaking of the act:

At best it is a scheme for purchasing with Federal funds submission to Federal regulation of a subject reserved to the States.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. MINTON. I yield to the Senator from New Mexico.

Mr. HATCH. I merely wish to be sure that I correctly understand the Senator. Did he quote the decision of the Supreme Court in the A. A. A. case?

Mr. MINTON. Yes.

Mr. HATCH. Was that not the subject which he so ably and eloquently discussed on the floor of the Senate one day?

Mr. MINTON. Yes. Unfortunately, however, I am not the Supreme Court. The Supreme Court still writes the law of this land, and not I. The Senator knows that.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. DANAHER. I should like to direct a question to the Senator from Indiana on a proposed amendment which I drew, with reference to page 4, line 20. I should like to read it to the Senator. It is brief:

After the word "election" in line 20, insert: "or the nomination of any candidate for any office mentioned in section 2."

The effect of the amendment would be to limit the entire operation of section 12 to the Federal officers listed in lines 18 to 22 on page 2 of the bill. Would such an amendment meet the objections which have been argued by the Senator from Indiana?

Mr. MINTON. Yes; if it were confined to elections in which Federal officers are elected. However, the Senator from New Mexico would never agree to such an amendment, because section 2 already takes care of that question.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. BANKHEAD. No Federal officers are elected except the President and Vice President—through the electors—and Members of Congress. Therefore the provision would be meaningless.

Mr. MINTON. I will leave the Senator from New Mexico to handle the amendments to his bill. I am not interested in them.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. BARKLEY. I am sure the Senator does not mean to intimate that he is not interested in the proposal suggested, that Federal funds ought not to be used for the purpose of electing State officers, any more than for electing Federal officers. The legislation goes a little further than I thought it was going at the time. We had the same question under consideration last year in connection with the relief measure, and I secured the adoption of an amendment in the Senate making the prohibition applicable also to State employees who are paid in whole or in part out of Federal funds. However, it seems to me that it is just as virtuous and just as fair to provide that State officers or Federal officers paid out of the Treasury of the United States shall not be allowed to take a pernicious part in the election of State officers as it is to make such provision in connection with the election of Federal officers. The Senator does not mean to say that he is indifferent toward that distinction, does he?

Mr. MINTON. I am perfectly willing to let the bill include anybody engaged in really pernicious political activity. By that I mean coercion or intimidation of voters or taking unfair advantage of any voter. I am in favor of that kind of legislation, whether it be with relation to a State election, a

Federal election, or any other kind of an election. I will go as far as the Senator from Kentucky, the Senator from New Mexico, or anyone else in order to punish intimidation, coercion, and overreaching of the voter. I will go as far as anybody on that score.

Mr. President, what I was trying to say is that the bill is a coercive measure. As the Supreme Court said in the cases to which I have referred, it is an attempt by the Federal Government to go into the State and compel the State to do something which the Federal Government could not compel by any act which the Federal Government might pass.

The Supreme Court says that may not be done; and yet a measure which should protect the people against coercion, intimidation, and oppression is founded on coercion and oppression.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. MINTON. I yield to the Senator from New Mexico.

Mr. HATCH. I take it that under the constitutional authority we have no right to go into the States and require the States to set up a standard of merit.

Mr. MINTON. I do not think so. I do not think this bill touches that question.

Mr. HATCH. Then the Social Security Act would be unconstitutional.

Mr. MINTON. Not at all, because the Supreme Court has held that under the Federal power there is justification for the existence of social security and the payment of social-security funds to States. Therefore, there is valid reason for the Federal Government going into that field. There being valid reason for the Federal Government going into that field, under the Constitution of the United States it may establish any kind of regulations it wishes. That is entirely different from the Federal Government going in where it has no right to go in the first instance and trying to coerce in the States a result which it could not bring about by its own constitutional power in the first instance. There is a real distinction between such cases and the bill which the Senator from New Mexico is trying to foist upon the country today.

Mr. HATCH. Mr. President, will the Senator yield further?

Mr. MINTON. I yield.

Mr. HATCH. The Senator says there is a clear distinction between the cases, but I am unable to see it. The Federal power is the contribution of funds by the Federal authority in the one case just as in the other. The Federal Government enters into the picture in both cases through the contribution of funds.

Mr. MINTON. But the Senator is trying to coerce the States.

Mr. HATCH. Mr. President, will the Senator further yield?

Mr. MINTON. I yield.

Mr. HATCH. In the act to which the Senator refers as my act, there is nothing like the coercion there is in the other act to which I refer. The Hatch Act includes only one thing, which the other act also includes among many other things; but, according to the Senator's view, the other act is constitutional, while the Hatch Act is unconstitutional.

Mr. MINTON. Yes; because in the case of social security the spending of the money is directed to the public, for which the Social Security Act was written. The money is distributed among those entitled to social security. On the other hand, the Senator's act is not directed at the distribution of Federal money for the building of roads, for example. We must look to the purpose for which the money was given in the first instance. The Senator from New Mexico is spending the money to control elections, and to disfranchise people, and make criminals of them, and put their jobs in jeopardy. That is the kind of coercion that the bill sponsored by the Senator from New Mexico would foist upon the people of the country.

So, Mr. President, I again direct your attention to the amendment of the Senator from Arkansas [Mr. MILLER].

That amendment would simply take out section 9 of the original Hatch Act by a repealer which the Senator from Arkansas would insert in place of section 12 of this bill, which would take out section 12 and all that follows it in italics in the pending bill. In other words, as I said in the beginning, it clearly draws the line between acts of force and oppression and coercion on the one hand, and on the other hand, voluntary action of which we all approve. So, Mr. President, by adopting the amendment offered by the Senator from Arkansas we can accomplish everything that all of us want to accomplish; namely, we can preserve the good things that were in the original Hatch Act and take out the things which violate the fundamental principles of the democratic process.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. HILL in the chair) laid before the Senate messages from the President of the United States, submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. BAILEY, from the Committee on Commerce, reported favorably the nominations of sundry officers for promotion in the Coast Guard.

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nominations of sundry citizens for appointment as second lieutenants in the Medical Administrative Corps and sundry officers for appointment to temporary rank in the Air Corps, and also for appointment, by transfer, all in the Regular Army.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

THE JUDICIARY

The Chief Clerk read the nomination of Thomas Glynn Walker to be United States district judge for the district of New Jersey.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The Chief Clerk read the nomination of Lynn McGraw Moses to be postmaster at Altoona, Pa., which had been adversely reported.

Mr. McKELLAR. I ask that this nomination be rejected.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Lynn McGraw Moses to be postmaster at Altoona, Pa.? [Putting the question.] The "noes" have it, and the nomination is rejected.

The Chief Clerk proceeded to read sundry further nominations of postmasters.

Mr. McKELLAR. I ask that the remaining nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

That completes the Calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 3 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, March 6, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 5 (legislative day of March 4), 1940

JUDGE, UNITED STATES CIRCUIT COURT OF APPEALS

Herbert F. Goodrich, of Pennsylvania, to be a judge of the United States Circuit Court of Appeals for the Third Circuit, vice Hon. Francis Biddle, resigned.

UNITED STATES ATTORNEY

Joseph F. Deeb, of Michigan, to be United States attorney for the western district of Michigan, vice Francis T. McDonald, deceased.

UNITED STATES MARSHALS

Roulhac Gewin, of Alabama, to be United States marshal for the southern district of Alabama. Mr. Gewin is now serving in this office under an appointment which expired January 28, 1940.

John E. Hushing to be United States marshal for the district of the Canal Zone. Mr. Hushing is now serving in this office under an appointment which expired January 28, 1940.

Henry C. Walthour, of Georgia, to be United States marshal for the southern district of Georgia. (Mr. Walthour is now serving in this office under an appointment which expired January 28, 1940.)

John E. Sloan, of Pennsylvania, to be United States marshal for the western district of Pennsylvania. (Mr. Sloan is now serving in this office under an appointment which expired June 22, 1939.)

COAST GUARD OF THE UNITED STATES

Junior Lighthouse Engineer Clarence Norman Daniel to be a lieutenant (junior grade) in the Coast Guard of the United States, to rank as such from December 1, 1939.

The following-named persons to be officers in the Coast Guard of the United States, to take effect from date of oath:

TO BE CHIEF BOATSWAINS

Gillis G. Cook	Charles B. Berniard
Lubin P. Paxton	Arthur J. Schletker
Wilhelm K. Bode	John A. Anderson
Samuel Krauss	Clifford W. Evenson
James N. Rasmussen	Jens H. Jensen
Louis I. Reilly	

TO BE CHIEF MACHINISTS

Marcus B. Jacobsen	Hans Odin
Frederick de Castro	James C. Creeden
John R. McCauley	

CONFIRMATIONS

Executive nominations confirmed by the Senate March 5 (legislative day of March 4), 1940

UNITED STATES DISTRICT JUDGE

Thomas Glynn Walker to be United States district judge for the district of New Jersey.

POSTMASTERS

ARKANSAS

Mabel L. High, England.
Edward L. Waggoner, Hazen.

CONNECTICUT

William J. Rankin, Hartford.
George S. Clark, Milford.

DELAWARE

Oram W. Layton, Claymont.

KANSAS

Dannie M. Bear, Harper.

MISSISSIPPI

Francis C. Hayden, Vaughan.

NORTH DAKOTA

Norbert T. Connery, Gackle.

OHIO

David E. Bushey, Shiloh.

TENNESSEE

Finley P. Curtis, Butler.
Joseph E. McCracken, Cumberland City.
Audrey E. Staples, Huntland.
Henry C. Johnson, Lafayette.
Joseph McDonald Ernest, Oliver Springs.

TEXAS

John Howard Payne, Dallas.
David A. Greer, Henrietta.
Moran Dunlap, Meridian.
Olen C. Arthur, Spur.
John B. Hardin, Vernon.
Leopold Morris, Victoria.

WISCONSIN

Clinton B. Immell, Blair.
Leo E. Doll, Soldiers Grove.

WYOMING

George Thornton Beck, Jr., Cody.

REJECTION

Executive nomination rejected by the Senate, March 5 (legislative day of March 4), 1940

POSTMASTER

PENNSYLVANIA

Lynn McGraw Moses to be postmaster at Altoona in the State of Pennsylvania.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 5, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Master conceived without sin, our minds are darkened and confused. More and more enable us to seek the philosophy of Jesus of Nazareth and the loving wisdom of His heart. He whose nature is spirit, whose character is love, can only be discovered by spiritual vision and known by the loving heart. We pray that the voice of the Divine One, whose seat is in the bosom of the Almighty, may be heard by this stricken world. We thank Thee, heavenly Father, for His unsearchable riches which are measured by His holy nature. We beseech Thee to give us the vision of the consummation of His plan into which all lives and institutions are to be built and unto Him be glory forever. Forever shall His praise go up; forever shall His blessing come down. We are humble blessed Lord, as human speech, time-colored, breaks down as the anthem of praise falls into the eternities. O grant that earth may put off her garments of weariness and clothe herself to rejoice in the courts of the ever-living God. In our dear Redeemer's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazer, its legislative clerk, announced that the Senate had agreed without amendment to concurrent resolutions of the House of the following titles:

H. Con. Res. 45. Concurrent resolution authorizing the printing as a document the various proceedings in commemoration of the one hundred and fiftieth anniversary of the commencement of the first session of the Supreme Court of the United States; and

H. Con. Res. 46. Concurrent resolution authorizing the printing of additional copies of the hearings held before the Committee on Ways and Means of the House of Representatives, current session, on the joint resolution (H. J. Res. 407) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House:

MARCH 5, 1940.

The SPEAKER,
House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: Certificates of election in due form of law of the following Representatives-elect to the Seventy-sixth Congress to fill vacancies have been filed in this office, viz:

District and State	Representative-elect	Predecessor
Seventeenth: Ohio.....	J. Harry McGregor.....	William A. Ashbrook.
Twenty-second: Ohio.....	Frances P. Bolton.....	Chester C. Bolton.

Very respectfully,

SOUTH TRIMBLE,
Clerk of the House of Representatives.
By H. NEWLIN MEGILL.

SWEARING IN OF MEMBERS

Mrs. BOLTON and Mr. MCGREGOR appeared at the bar of the House and took the oath of office.

PERMISSION TO ADDRESS THE HOUSE

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SWEENEY. Mr. Speaker, the gentlewoman who has just taken her oath of office is the first woman from the State of Ohio to sit in the Congress of the United States. This is a historic event for the great State of Ohio and for the Nation. She is not unknown to the Capitol. Her distinguished predecessor, her husband, the late Chester Bolton, was beloved by all of us in the Congress, where he served with distinction. Her record will be a great one because of her knowledge of public affairs. While from a partisan standpoint we of the majority party may have wished another result, the electorate of the Twenty-second District of Ohio have spoken. We abide the result. I rise at this time to extend a welcome to Mrs. FRANCES BOLTON personally and, I am sure, on behalf of my Democratic colleagues from the State of Ohio, many of whom personally are acquainted with the gentlewoman, who has just taken her seat. [Applause.]

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, I am sure the two new Members from Ohio appreciate very much what our distinguished colleague from Cleveland, Judge SWEENEY, has had to say. I am happy to say to them also that at no time since I have been a Member of this House do I remember of an induction of new Members attended by any more genuine felicitation than that which is evidenced here today. These two new Members come to us as victors in a contest, but the membership on both sides of the House welcome them with as much sincerity as if they had been elected by the unanimous acclaim of their constituents. On their behalf I want to thank the membership on both sides of the House for their courteous reception, and on behalf of the Republican membership I am happy to welcome them into our ranks, and on behalf of the Republican Party I am proud to say that we feel and believe that the election of these two new Members is a sure harbinger of the result of the general election next November. The people realize the condition in which the country finds itself and they are going to restore the Government to a course of safety and sanity. [Applause.]

Mr. CROSSER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CROSSER. Mr. Speaker, while I do not know both the new Members from my State who have just been sworn, I am

very well acquainted with the new Member from the Twenty-second District. I predict for her a useful and notable career in the office for which she has just qualified. Mrs. BOLTON has a sincere desire to serve the ends of justice and has ability, which I know will be recognized in due time. Although we do not always agree and do not always see eye to eye, I know the gentlewoman from the Twenty-second District well enough to say in advance that she will give a good account of herself. I am sure that we shall all take pleasure in cooperating with her. While, as I have already said, I am not acquainted with the new Member from the Seventeenth District of Ohio, I have no doubt of his desire to do what he believes will be for the best interests of the American people, and therefore greet him as a colleague and assure him of my best wishes. [Applause.]

EXTENSION OF REMARKS

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in two respects, first, on the subject of ancient and modern Greece; and second, on the subject of administrative law, and to include therein an address by John Foster Dulles. I am informed by the United States Government Printing Office that the cost of inserting this address will be \$248.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HARE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a statement by the Director of the Bureau of Foreign and Domestic Commerce showing the extent to which the Government assists business and industry in promoting trade.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter from the president of the Cooperative League of America.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting a table showing the expenditures of all the administrations from the beginning of the Republic down to date.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I expect to make in the Committee of the Whole today and to include therein a short excerpt regarding the Bonneville project. I also ask unanimous consent to extend my remarks and include therein a resolution from the Pomona Grange.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

INEQUALITY OF FREIGHT RATES

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an excerpt from the Los Angeles Examiner of February 24 on the subject of inequality of freight rates.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I am inserting in the RECORD today an excerpt from the Los Angeles Examiner of February 24, on the subject of inequalities in shipping rates affecting the Pacific coast.

Cement and other items may be hauled for \$2.50 a ton from eastern seaboard cities, New York to Colon, while at the same time the freight rates from Los Angeles are \$7 a ton.

If you people would like to see some of the operations of the Panama rail line down there and how that operation is worked out I think it would be a good idea to read this insertion from the Examiner.

[From the Los Angeles Examiner of February 24, 1940]

BOAKE CARTER SCORES LOS ANGELES HARBOR SHIPPING RATE
(Boake Carter, widely read Examiner columnist, writes of inequalities in shipping rates affecting Los Angeles Harbor, studied during a recent visit here)

LOS ANGELES.

To the Honorable HARRY WOODRING,
Secretary of War, Washington, D. C.; and
To Admiral EMORY S. LAND,
Chairman, Maritime Commission, Washington, D. C.

DEAR HARRY AND JERRY: I would like to nominate for occupancy of the dog house once again the Panama Railroad Steamship Co.

You remember, Harry, back 4 or 5 years ago—that was before the Commission was born, Jerry—that evidence in the forms of consignment sheets and bills of lading was produced to show that the Panama Railroad Steamship Co. was carrying American-made goods from New York to the Canal Zone. Then they encouraged transshipment on foreign-flag ships, especially German boats, on down south, ignoring completely the fact that privately operated American-flag ships were available for those transshipments.

Do you remember at that time the Panama Railroad Steamship Co. was running junkets for Congressmen; was operating parallel to the old Colombia Steamship Line and other United States lines in direct competition; cut its freight rates and passenger charges way below what the private operators could charge? And remember the people who knew this condition remarked that that was a hell of a way for the United States Government to encourage private enterprise and the American merchant marine. The Colombia, by the way, had to quit and go out of business.

I remember, Harry, you investigated, and the Panama Railroad Steamship Co. nabobs came back with specious and circuitous arguments, all evading the issue.

Since the Panama Railroad Steamship Co. is owned by the Panama Railroad Co., and the latter is owned by the United States Government—under the direction of the War Department—it seems not unreasonable to me to nominate the steamship company for the dog house again for some new and additional monkeyshines—not to mention loss of private business it is causing to people of many Western and Northwestern States of this country.

The Government intends to widen the locks of the Canal, I take it. This means that there'll be a considerable amount of business for American manufacturers and the American workmen employed by them. Steel, cement, lumber, machine tool makers of the West would like to get a crack at this business just as much as the easterners. They would ship out of Los Angeles to the Canal Zone. But they can't, Harry—the freight rate differential is prohibitive.

Now, Jerry, you explained last November to Senator DOWNER, of California, that the rates couldn't be equalized, and you quoted a communication from Harry's War Department justifying difference in rates from New York and Los Angeles to the Canal Zone. You, Jerry, disclaimed the Government-owned Panama Railroad Steamship Co. was discriminating against private operation since the real reason, you said, was that Pacific coast ports are farther away from the Canal Zone than New York or Gulf ports.

Now, Jerry, you wouldn't be trying to kid anyone, would you? To try to justify the big difference in rates on the grounds of "distance" is hokey. And, Harry, that goes for the War Department, too, since Jerry was quoting one of your official memos. Maybe you personally didn't have a thing to do with it, but it sounds as though it was written by somebody who didn't know a thing about ocean freight rates, or hoped to fool someone. At any rate, Jerry, being a seaman, you should have known better than to try and palm it off on the public.

From Los Angeles to Balboa the distance is 2,913 miles. From New York to Colon it is 1,974 miles. Your Government-owned Panama Railroad Steamship Line is carrying cement for the new construction on the Canal from New York to Colon at \$2.50 a ton. From Los Angeles to Balboa it is \$7 a ton. That makes a difference of \$4.50 a ton for a difference of 939 miles in distance. Now you, Jerry, say that's justified because some chump in Harry's Department said so.

Then will you explain to the people, Jerry, how come the rates from New York to Seattle, 6,038 miles, and New York to Los Angeles, 4,930 miles, are uniformly the same, with a difference of 1,108 miles? If there's a difference of \$4.50 a ton to the Panama Canal Zone because of a difference of 939 miles, why no difference in rates for a discrepancy of 1,108 miles?

Or, Jerry, how about this? Singapore to New York via Suez is 10,172 miles; Singapore to Los Angeles is 7,866 miles. A difference there of 2,306 miles. The rate on crude rubber over the 10,000-mile route is \$14 a ton, and over the 7,800-mile route is \$13.50 a ton. A difference of 50 cents for 2,300 miles, Jerry—and yet you are trying to kid these westerners out here that it's O. K. for a Government-owned steamship company to resort to below-cost, sweatshop rates because of a 900-mile differential.

But, Harry, here's where you come in. The annual report of the Governor of the Canal to the Secretary of War—that's you—for the fiscal year ending June 30, 1939, shows your steamship line lost \$87,005.35. But the neatest trick is how your Department wipes out that deficit. It does it through operation of the docks in the Canal Zone, all of which are also owned by your Department's Panama Railroad, the same outfit that owns your steamships. These docks kicked in with \$1,936,016 in revenue for 1939. This came from a toll of \$1 per ton assessed by the Panama Railroad on all cargo entering the Canal Zone. For instance, on every ton of freight out of Los Angeles to the Canal Zone, the private shipper in Los Angeles has to pay a dollar per ton to the Panama Railroad. The Panama Railroad takes that money it levies on private business to pay for the losses it incurs with its own ships, competing against private business at below-cost prices. And the below-cost operation is caused by inefficient operation and low rates allowed the eastern shippers.

Now, if that is what is called encouragement of private enterprise, then I begin to suspect you've both gone New Deal on us.

By the way, the public pays taxes to support the War Department's operations. Some of that dough goes to keep the Panama Railroad out of hock. It seems then that the public is socked twice—through taxes, and by being forced to kick in with another dollar per ton on all private freight.

That, to me, is a good example of the most pernicious form of Government competition with private industry; Government destruction of the very system the Government yells all the time should be maintained. It prevents private industry from pulling its share of the load, which Mr. Roosevelt, your boss, says it should, and bars employment of people who must otherwise remain on relief.

Yours,

BOAKE CARTER.

P. S.—I hope you two fellows don't mind my drawing your attention to this example of Americanism on the part of the Government's War Department and Maritime Commission.—B. C.

EXTENSION OF REMARKS

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include an address I delivered to the League of Republican Women of the District of Columbia.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. FISH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Speaker, I want to just read into the RECORD here, by request, the program for world peace and foreign relations adopted by the foreign relations committee of the American Legion on January 28, 1940, at Indianapolis, Ind.:

The duty confronting your committee is the announcement of a foreign-relations policy which will avert involvement in international disturbances and leave our Nation in its continued enjoyment of peace, with its sovereignty and independence secure. We base this policy upon mandates of national conventions, rather than embark on uncharted courses or express personal opinions upon particular phases of this great problem.

To exert every possible effort to keep our country out of war is the definite mandate of the last national convention of the American Legion. It reads:

"The American Legion views with gravest concern the apparently widespread belief that this Nation must inevitably become involved in the present European conflict. We not only believe that this Nation need not become involved but insist and demand that the President of the United States and the Congress pursue a policy that, while preserving the sovereignty and dignity of this Nation, will prevent involvement in this conflict. The American Legion is not a law body. It has often recommended to the Congress the enactment of legislation establishing a permanent or fixed policy on important national problems. The American Legion has always strenuously advocated that this Nation pursue a policy of neutrality and peace. In the present world crisis world conditions may change so rapidly that a pronouncement by the American Legion at this time on specific legislation might be wholly inadequate in the near future. Therefore, with full confidence in the President and the Congress, we demand that the Congress continue in session during the present grave crisis, and that appropriate action be taken to preserve the peace, sovereignty, and dignity of this Nation, and that our armed forces be expanded immediately to maintain our neutrality."

In furtherance of this and earlier convention mandates, we urge specifically the support of the following:

1. To maintain an adequate national defense, including the principle of universal service.

2. To uphold the principles of nonintervention and noninterference, as embodied in the Monroe Doctrine.

3. To urge continually upon the President and Congress of the United States that they make every effort to prevent our involvement in the present wars, and to cooperate with them to that end.

4. To demonstrate that our involvement in war is not inevitable and must not occur.

5. To combat vigorously propaganda, of whatever kind and from whatever source, designed to break down our neutrality.

6. To strive for the restoration of good faith and nonaggression among men and nations, without which there can be no lasting peace.

We have necessarily stated this program in basic terms because details change with changing conditions. It is also to be noted that by action of the last national convention resolutions relating to Fidac have become inapplicable.

As our contribution toward this goal of permanent peace and safeguard against war, we of the American Legion have pledged ourselves to seek and keep an honest neutrality; to do our own thinking and to analyze propaganda, whether it emanates from abroad or at home; and above all, to safeguard our own security, our own liberties, and our own Constitution against attack, secret or open, whether from within or without.

THE FOREIGN RELATIONS COMMITTEE,
WILBUR M. ALTER,
Chairman, Denver, Colo.
O. K. ARMSTRONG,
Member, Springfield, Mo.
ANSON T. MCCOOK,
Member, Hartford, Conn.

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my remarks by including therein the balance of the report above referred to.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

EXTENSION OF REMARKS

Mr. GUYER of Kansas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a resolution passed by the State Grange of Kansas.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address delivered by Dr. Charles E. Shulman, entitled "The Moral Implications of Democracy," before the Executives Club of Chicago, on Friday, February 2.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. VREELAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein three short speeches on Thomas A. Edison.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HAWKS. Mr. Speaker, I have two requests to make, one to extend my remarks and to include therein an editorial appearing in the New York Journal entitled "Government, the Predatory Partner of Industry," and also I ask unanimous consent to extend my remarks in the RECORD and to include therein an address by Senator BRIDGES, made at Salt Lake City, Utah.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

THE PRIVATE CALENDAR

The SPEAKER. The clerk will call the first bill on the Private Calendar.

ERNESTINE HUBER NEUEHLLER

The Clerk called the first bill, S. 1998, for the relief of Ernestine Huber Neuheller.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the immigration laws, relating to the issuance of immigration visas for admission to the United States for permanent residence and relating to admissions at ports of entry of aliens as immigrants for permanent

residence in the United States, that provision of section 3 of the Immigration Act of 1917 (39 Stat. 875), as amended (U. S. C., title 8, sec. 136 (c)), which excludes from admission into the United States "persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude," shall not hereafter be held to apply to Ernestine Huber Neuheller, who is the wife of Fritz Neuheller, an American citizen, on account of a conviction abroad for perjury, the alleged offense having been committed in a civil action where the alien, as a witness, denied for personal reasons, having met the defendant, a friend, at a certain time. The appellate court judge reviewing the case considered the alien's action incomprehensible and declared her to be an otherwise truthful, faithful, and decent person in no way immoral or tainted with moral turpitude. If she is found otherwise admissible under the immigration laws an immigration visa may be issued and admission granted to Ernestine Huber Neuheller (nee Ernestine Huber) under this act upon application hereafter filed.

Sec. 2. Upon the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the nonpreference category of the quota during the current year.

Mr. HANCOCK. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK: On page 2, line 1, after the word "citizen", strike out the rest of the line and all of lines 2, 3, 4, 5, 6, 7, and 8, and all of line 9, up to the period.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GRIZELDA HULL HOBSON

The Clerk called the bill (S. 161) granting an increase of pension to Grizelda Hull Hobson.

Mr. HALLECK and Mr. HANCOCK objected, and the bill was recommitted to the Committee on Invalid Pensions.

JOSEPH J. MANN

The Clerk called the bill (H. R. 1344) granting a pension to Joseph J. Mann.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph J. Mann, late of Troop I, Eighth Regiment, United States Cavalry, and pay him a pension at the rate of \$30 per month.

With the following committee amendments:

Line 6, after the word "of", insert "Troops A and B, Fourteenth Regiment, and."

Line 7, strike out the word "Regiment" and insert the word "Regiment,".

Line 9, strike out "\$30" and insert "\$18.75."

The committee amendment were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ERNEST FRANCIS WHITE

The Clerk called the bill (H. R. 1312) granting a pension to Ernest Francis White.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ernest Francis White, minor child of Ernest Francis White, late of the United States Coast Guard, and pay him a pension at the rate of \$15 per month.

With the following committee amendments:

Page 1, line 7, after the word "the", insert "United States Navy and."

Page 2, line 2, after the word "month", insert "until he attains the age of 18 years, which fact shall be determined by the submission of satisfactory evidence by the duly authorized guardian of the proposed beneficiary to the Veterans' Administration."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN H. BOTNER

The Clerk called the bill (H. R. 685) granting a pension to John H. Botner.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Botner, late of Company C, Second Regiment United States Cavalry, and pay him a pension at the rate of \$50 per month.

With the following committee amendments:

Line 6, strike out the word "Company" and insert "Troop L, Seventh Regiment; Troop."

Line 7, strike out the period, insert a semicolon and the words "and Troop F, Fifth Regiment."

Line 9, strike out "\$50" and insert "\$15."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CORA ARLENA BALLARD

The Clerk called the bill (H. R. 689) granting a pension to Cora Arlena Ballard.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cora Arlena Ballard, widow of Taylor N. Ballard, late of the One Hundred and Eighteenth Company, United States Coast Artillery Corps, and pay her a pension at the rate of \$30 per month.

With the following committee amendment:

Page 2, line 2, strike out "\$30 per month" and insert "\$26 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 65 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiaries to the Veterans' Administration."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TIMOTHY A. LINEHAN

The Clerk called the bill (H. R. 1379) granting a pension to Timothy A. Linehan.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Timothy A. Linehan, late of Company —, United States Coast Guard, and pay him a pension at the rate of \$20 per month.

With the following committee amendments:

Line 6, page 1, strike out the word "Company" and insert "United States Marine Corps; Fleet Marine Corps Reserve, and seaman, first class."

Line 9, strike out "\$20" and insert "\$15."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALBERT E. WELLS

The Clerk called the bill (H. R. 1509) granting a pension to Albert E. Wells.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert E. Wells, late of Company E, Sixth Regiment United States Cavalry, and pay him a pension at the rate of \$50 per month.

With the following committee amendments:

Line 6, page 1, strike out the word "Company" and insert "Troop E."

Line 8, strike out "\$50" and insert "\$60."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHRISTOPHER C. POPEJOY

The Clerk called the bill (H. R. 1550) granting an increase of pension to Christopher C. Popejoy.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Christopher C. Popejoy, late of Company F, Twenty-third Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

With the following committee amendment:

Line 8, page 1, strike out "\$40" and insert "\$48.75."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BERTHA C. KEITH

The Clerk called the next bill, H. R. 1695, granting a pension to Bertha C. Keith.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bertha C. Keith, widow of George W. Keith, late of Troop C, Fifth Regiment United States Cavalry, and pay her a pension at the rate of \$30 per month.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BERTHA R. ETTNER

The Clerk called the next bill, H. R. 1743, granting a pension to Bertha R. Ettner.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bertha R. Ettner, helpless and dependent daughter of Henry Ettner, late of Company G, Second Regiment United States Infantry, and pay her a pension at the rate of \$20 per month.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HELEN M. CROWLEY

The Clerk called the next bill, H. R. 2143, granting a pension to Helen M. Crowley.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen M. Crowley, widow of Ralph L. Crowley, late of the United States Coast Guard, who died as the result of injuries sustained in line of duty; that said pension be placed at \$20 per month, to which said Helen M. Crowley would ordinarily be entitled under the act of July 2, 1930, had said Ralph L. Crowley been fatally injured on or after July 2, 1930, rather than March 28, 1930.

With the following committee amendments:

Page 1, line 7, after the word "the", insert "United States Marine Corps; Signal Corps, United States Army, under the name of Lawrence Stone, and the."

Page 1, line 9, after the word "Guard", insert "under the name of Ralph L. Crowley and."

Page 2, line 2, after the word "duty", strike out the balance of line 2, all of lines 3, 4, 5, line 6 down to and including "1930", and insert "March 28, 1930, and pay her a pension at the rate of \$22 per month and increase the rate to \$26 per month from and after the date she shall have attained the age of 50 years and further increase the rate to \$30 per month from and after the date she shall have attained the age of 65 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LIZZIE MAY WILBUR CLAYTON

The Clerk called the next bill, H. R. 2273, granting a pension to Lizzie May Wilbur Clayton.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the

pension roll, subject to the provisions and limitations of the pension laws, the name of Lizzie May Wilbur Clayton, widow of Vincent A. Clayton, late of the United States Coast Guard, and pay her a pension at the rate of \$22 per month: *Provided*, That the payment of this pension shall discharge the United States Government from any further liability for the death of the said Vincent A. Clayton, resulting from injuries received while detailed by the United States Coast Guard at Seaside Park, N. J., to forest-fire duty at Barnegat, N. J., on April 19, 1928.

With the following committee amendment:

Page 1, line 8 after the word "of", strike out the balance of the line and line 9 and all of lines 1 to 5, inclusive, on page 2, down to and including "1928", and insert "\$26 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 65 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MAUD PATTERSON

The Clerk called the next bill, H. R. 2285, granting a pension to Maud Patterson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maud Patterson, widow of John Thomas Patterson, late of the United States Coast Guard, and pay her a pension at the rate of \$75 per month.

With the following committee amendment:

Page 2, line 1, after the word "of", strike out "\$75 per month" and insert "\$26 per month and increase the rate to \$20 per month from and after the date she shall have attained the age of 65 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAMES J. SCANLON

The Clerk called the next bill, H. R. 3928, granting an increase of pension to James J. Scanlon.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James J. Scanlon (claim No. C-2349677), late of Company A, Engineer Corps, California National Guard, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAMES G. BAILEY

The Clerk called the next bill, H. R. 4394, granting a pension to James G. Bailey.

The SPEAKER pro tempore (Mr. Woodrum of Virginia). Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James G. Bailey, late of Company F, Thirteenth Regiment United States Army, and pay him a pension at the rate of \$50 per month.

With the following committee amendment:

Page 1, line 8, strike out "\$50" and insert "of \$15."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ARTRICEY K. BURDEN

The Clerk called the next bill, H. R. 4962, granting a pension to Artricey K. Burden.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Artricey K. Burden, widow of James Burden, late of Company F, Tenth Regiment United States Cavalry, and pay her a pension at the rate of \$30 per month.

With the following committee amendments:

Page 1, line 8, strike out "\$30" and insert "\$20."
Page 2, insert "and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN W. SWOVELAND

The Clerk called the next bill, H. R. 5007, granting a pension to John W. Swoveland.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Swoveland, late of the United States Coast Guard, and pay him a pension at the rate of \$30 per month.

With the following committee amendments:

Page 1, line 6, after the second word "the", insert "United States Marine Corps and the."
Page 1, line 8, after the word "of", strike out "\$30" and insert "\$60."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GAIL E. PLUNKETT

The Clerk called the next bill, H. R. 5153, granting an increase of pension to Gail E. Plunkett.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gail E. Plunkett, late of Company D, Twenty-third Regiment United States Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

With the following committee amendment:

Page 1, line 8, after the word "of", strike out "\$50" and insert "\$37.50."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONNER BROWN

The Clerk called the next bill, H. R. 5831, granting a pension to Conner Brown.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Conner Brown, remarried widow of William H. Conner, a Mexican War soldier, and pay her a pension at the rate of \$50 per month.

With the following committee amendments:

Page 1, line 6, after the first word "of", insert the proper name and initial "Fannie E."
Page 1, line 8, after the word "of", strike out the figures "\$50" and insert in lieu thereof the figures "\$30."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill granting a pension to Fannie E. Conner Brown."

WILLIAM H. SHANKLIN

The Clerk called the next bill, H. R. 6496, granting an increase of pension to William H. Shanklin.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COSTELLO and Mr. HALLECK objected and, under the rule, the bill was recommitted to the Committee on Invalid Pensions.

HELEN MOORE BRISTOL

The Clerk called the next bill, H. R. 6674, granting a pension to Helen Moore Bristol.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HANCOCK and Mr. COSTELLO objected and, under the rule, the bill was recommitted to the Committee on Invalid Pensions.

CAPT. VICTOR GONDOS, JR.

The Clerk called the next bill, H. R. 6681, granting a pension to Capt. Victor Gondos, Jr.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Capt. Victor Gondos, Jr., late of the Five Hundred and Tenth Coast Artillery, plans and training officer, regimental staff, and pay him a pension at the rate of \$50 per month.

With the following committee amendments:

Line 7, strike out "Five Hundred and Tenth" and insert in lieu thereof "United States."
Line 7, after the word "Artillery" strike out the remainder of the line and insert in lieu thereof "Corps Reserve."
Line 8, strike out the following: "officer, regimental staff."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FLORENCE SHARP GRANT

The Clerk called the next bill, H. R. 7045, granting an increase of pension to Florence Sharp Grant.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, in view of the distinguished service rendered his country by Vice Admiral Albert Weston Grant, late of the United States Navy, the Administrator of Veterans' Affairs is authorized and directed to place on the pension roll the name of Florence Sharp Grant, widow of Vice Admiral Albert Weston Grant, and pay her a pension at the rate of \$100 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OMNIBUS PENSIONS, CIVIL WAR

The SPEAKER pro tempore. The Clerk will call Calendar No. 545.

The Clerk called the bill (H. R. 8015) granting pensions and increase of pensions to certain widows, former widows, and dependent children of veterans of the Civil War.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Lizzie E. Brown, widow of Martin J. Brown, late of Company D, Seventy-fourth Regiment Indiana Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary C. Arthur, widow of Azariah Arthur, late of Company D, Fifty-sixth Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mimi Turner, widow of Jesse Turner, late of Capt. William Strong's Company E, Three Forks Battalion, Kentucky State Troops, and pay her a pension at the rate of \$30 per month.

The name of Mary E. Sutherland, widow of Robert A. Sutherland, late of Company K, Twenty-sixth Regiment Kentucky Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lina S. Terrell, helpless and dependent daughter of Lynch M. Terrell, late first lieutenant, Company B, Fourteenth Regiment Indiana Infantry, and pay her a pension at the rate of \$20 per month.

The name of Harriett M. Chamberlin, widow of Francis A. Chamberlin, late of Company F, Coast Guard, Maine Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nancy V. Mosher, former widow of Jonathan Rains, late of Capt. Henry G. Bollinger's company, Camden County Volunteer Missouri Militia, and pay her a pension at the rate of \$30 per month.

The name of Lois Alton Hover, widow of Everett Hover, late of Company D, Sixth Regiment Michigan Heavy Artillery, and pay her a pension at the rate of \$30 per month.

The name of Sarah E. Pearson, widow of Hiram B. Pearson, late of Company D, Tenth Regiment Michigan Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Williantina H. Young, widow of Franklin L. Young, late of Company H, Nineteenth Regiment Pennsylvania Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Geneva P. Lindsey, former widow of Eli H. Young, late of Company I, Second Regiment Maine Infantry, and pay her a pension at the rate of \$30 per month.

The name of William Ridgway, helpless and dependent son of Newton Ridgway, late of Company K, Fifty-third Regiment Kentucky Infantry, and pay him a pension at the rate of \$20 per month.

The name of Ellen Sovereign, widow of Frederick F. Sovereign, late of Company C, One Hundred and Thirty-eighth Regiment, and Company B, One Hundred and Fifty-first Regiment, Indiana Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary A. Archer, former widow of Charles A. Smith, late of Company F, Second Regiment New Jersey Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lou King, former widow of Jonathan King, alias John S. King, late of Company D, Twelfth Regiment Kentucky Infantry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Almeda A. McCandless, widow of Newton W. McCandless, late of Company A, Sixth Regiment Pennsylvania Heavy Artillery, and pay her a pension at the rate of \$30 per month.

The name of James D. Shelters, helpless and dependent son of Edward Shelters, late of Company F, First Regiment Illinois Light Artillery, and pay him a pension at the rate of \$20 per month.

The name of Mary I. Harwig, widow of Lewis W. Harwig, late of Company I, Eleventh Regiment Indiana Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Laura McBride, former widow of Patrick Sheen, late of Company I, Thirty-first Regiment Illinois Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mina L. McLean, widow of Alexander McLean, late of Company A, One Hundred and Seventeenth Regiment New York Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Alice Jackson, widow of William H. Jackson, late of Company K, Twenty-fourth Regiment New York Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Charles W. Smith, helpless and dependent son of Henry Smith, late of Company F, One Hundred and Sixty-sixth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of \$20 per month.

The name of Minerva Sterling, widow of John M. Sterling, late of Company F, One Hundred and Ninety-third Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Leah Jones, widow of James Jones, late of Company L, Fourth Regiment Pennsylvania Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Minnie M. Keyes, former widow of Jesse A. Morris, late of Company C, Seventh Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of \$30 per month.

The name of Jamaica Taylor, widow of Charles D. Taylor, late of Company D, Fourteenth Regiment Illinois Infantry, and pay her a pension at the rate of \$30 per month.

The name of Birdie Ann Mock, widow of William A. Mock, late of Company A, Eighth Regiment Tennessee Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Tennessee R. Ashworth, widow of John S. Ashworth, late of Capt. B. F. Cook's company, St. Clair County Volunteer Missouri Militia, and pay her a pension at the rate of \$30 per month.

The name of Mildred Mabel Metts, former widow of Thomas Moore, late of Company G, Seventh Regiment, and Company L, First Regiment Missouri Cavalry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years,

which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Edith H. Haag, widow of George C. Haag, late of Company B, Sixty-fourth Regiment Illinois Infantry, and pay her a pension at the rate of \$30 per month.

The name of Etta M. Perkins, widow of Elbridge B. Perkins, late of Company A, Fourth Regiment Wisconsin Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Lu M. Linscott, widow of John F. Linscott, late of Company A, First Regiment Massachusetts Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Elise M. Lum, widow of Cyrill A. Lum, late of Company H, One Hundred and Eighty-fifth Regiment New York Infantry, and pay her a pension at the rate of \$30 per month.

The name of Kathryn E. Fraley, widow of William C. Fraley, late of Company A, Two Hundred and Fifteenth Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$30 per month.

The name of Margaret Haskin, former widow of Andrew J. Fisher, late of Company F, Third Regiment Wisconsin Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Irene C. Flack, widow of William A. Flack, late of the United States Marine Corps, and pay her a pension at the rate of \$30 per month.

The name of Olivia Stebbins, widow of Austin E. Stebbins, late of Company C, Eighty-eighth Regiment Illinois Infantry, and pay her a pension at the rate of \$30 per month.

The name of May Barnes, widow of Alanson J. Barnes, late of Company C, One Hundred and Fourth Regiment New York Infantry, and pay her a pension at the rate of \$30 per month.

The name of Ida M. Miller, widow of Alfred F. Miller, late of Company E, One Hundred and Forty-seventh Regiment Illinois Infantry, and pay her a pension at the rate of \$30 per month.

The name of Clara L. Owens, widow of Thomas M. Owens, late of Company G, Twenty-fourth Regiment Missouri Infantry, and pay her a pension at the rate of \$30 per month.

The name of Ella E. Huffman, widow of William H. Huffman, late of Company D, One Hundredth Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$30 per month.

The name of Annie E. Jackson, widow of William H. Jackson, late of Company A, Fifth Regiment Tennessee Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Hattie Harvey, widow of James J. Harvey, late of Company D, Eleventh Regiment, and Company K, Ninth Regiment, Tennessee Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Rebecca Jenkins, widow of Duggan Jenkins, late of Company I, Second Regiment Tennessee Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Mary Johnson, widow of Francis M. Johnson, late of Companies D and B, Ninth Regiment Tennessee Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Nora Pierce, widow of David E. Pierce, late of Company A, Forty-first Regiment Ohio Infantry, and Battery E, Kentucky Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Martha Story, widow of Thomas Story, late of Company M, Eighth Regiment Tennessee Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Myrtle Payne, widow of John M. Payne, late of Company E, Thirteenth Regiment Tennessee Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Herthe L. R. Whitney, widow of William W. Whitney, late acting assistant surgeon, United States Army, and pay her a pension at the rate of \$30 per month.

The name of Cinda Forbes, widow of William Forbes, late of Company E, Third Regiment North Carolina Mounted Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lucy E. Huff, widow of Jonas Huff, late of Company F, Fourth Regiment Tennessee Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sarah L. Ellison, widow of Berry Ellison, late of Company C, First Regiment Tennessee Infantry, and pay her a pension at the rate of \$30 per month.

The name of Nellie B. King, widow of Riley G. King, late of Company B, Thirteenth Regiment Indiana Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Florence Montgomery, widow of Henry C. Montgomery, late of Company H, Twenty-first Regiment Illinois Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary A. Ward, widow of Thomas Ward, late of Company E, One hundred and Sixtieth Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Della Parmentier, widow of Melvin A. Parmentier, alias Melvin A. Robertson, late of the Thirteenth Independent Battery, Michigan Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Guy Boster, helpless and dependent son of John M. Boster, late of Company I, First Regiment Iowa Cavalry, and pay him a pension at the rate of \$20 per month.

The name of Anna C. Haley, widow of Eugene Haley, late of Company B, One Hundredth Regiment New York Infantry, and pay her a pension at the rate of \$30 per month.

The name of John E. Shepherd, helpless and dependent son of David Shepherd, late of Company C, Fifteenth Regiment West

Virginia Infantry, and pay him a pension at the rate of \$20 per month.

The name of Maude Fielding, widow of Henry Fielding, late of Company H, First Regiment Minnesota Heavy Artillery, and pay her a pension at the rate of \$30 per month.

The name of Nila M. Knapp, widow of George W. Knapp, late of the United States Navy, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Anna M. Lewis, widow of Ferdinand C. Lewis, late of Company G, Seventh Regiment New York Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma J. Deo, widow of Henry Deo, alias Henry Kimball, late of Company F, First Battalion, Sixteenth Regiment United States Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Effie J. Clark, widow of Charles W. Clark, late of Company H, Second Regiment Michigan Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Josephine Rutter, widow of Martin Rutter, late of Company K, Seventy-eighth Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$30 per month.

The name of Eugenie Gilsoul, widow of Joseph Gilsoul, late of Company C, First Regiment Minnesota Heavy Artillery, and pay her a pension at the rate of \$30 per month.

The name of Mollie Messer, former widow of John Taylor, late of Company C, Forty-ninth Regiment Kentucky Infantry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Clarinda E. Kenyon, widow of Charles E. Kenyon, late of Company E, Seventy-sixth Regiment, and Company F, Sixty-third Regiment, New York Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sarah E. Woods, widow of Andrew J. Woods, late of Company H, Fifty-ninth Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INEZ GILLESPIE

The Clerk called the next bill, S. 2973, for the relief of Inez Gillespie.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Inez Gillespie, widow of Julian E. Gillespie, late American commercial attaché at Istanbul, Turkey, the sum of \$7,200, such sum representing one year's salary of her deceased husband who died June 23, 1939, while in the Foreign Service of the United States of America.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROLAND HANSON AND DR. E. A. JULIEN

The Clerk called the next bill, S. 1160, for the relief of Roland Hanson, a minor, and Dr. E. A. Julien.

There being no objection the Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Roland Hanson, a minor, of Turlock, Calif., the sum of \$500, in full satisfaction of his claim against the United States for damages for injuries sustained by him as a result of being struck by a United States Army truck on Highway No. 99 in Turlock, Calif., on May 23, 1937, and to Dr. E. A. Julien, of Turlock, Calif., the sum of \$200, in full satisfaction of his claim for professional services rendered said Roland Hanson: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with such claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with such claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 7, strike out the sign and figures "\$500" and insert in lieu thereof "\$2,000."

Line 7, strike out the word "his" and insert in lieu thereof "said Roland Hanson's."

Page 2, line 1, strike out the sign and figures "\$200" and insert in lieu thereof "\$500."

Page 2, line 2, beginning with the word "*Provided*", strike out the remaining language of the bill and insert in lieu thereof "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROBERT STOCKMAN

The Clerk called the next bill, S. 1449, for the relief of Robert Stockman.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert Stockman, of Providence, R. I., the sum of \$6,957.92 in full satisfaction of all claims against the United States for damages for personal injuries, medical expenses, and property damage sustained by him when he was struck by a truck owned by the United States Government and operated by A. A. McGrath, an employee of Works Progress Administration, in the village of Chepachet, in the town of Gloucester, R. I., on March 22, 1937: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 6, strike out the sign and figures "\$6,957.92" and insert in lieu thereof "\$5,000."

Page 2, line 1, beginning with the word "*Provided*", strike out the remaining language of this bill and insert in lieu thereof: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. CLYDE THATCHER

The Clerk called the next bill, H. R. 1288, for the relief of Mrs. Clyde Thatcher and her two minor children, Marjorie Thatcher and Bobby Thatcher.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Clyde Thatcher, and the legal guardian of her two minor children, Marjorie Thatcher and Bobby Thatcher, the sum of \$10,000 in full satisfaction of all claims against the United States for injuries sustained by them when struck by a Government truck operated in connection with the Civilian Conservation Corps at the intersection of Beech Street and Grand Avenue, Beaumont, Tex., on August 1, 1936.

With the following committee amendments:

Page 1, beginning in line 3, strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$500 to Mrs. Clyde Thatcher, Beaumont, Tex.; the sum of \$500 to the legal guardian of Marjorie Thatcher, Beaumont, Tex.; and the sum of \$5,000 to the legal guardian of Bobby Thatcher, Beaumont, Tex. Said sums shall be in full settlement of all claims against the United States for injuries and expenses sustained by the said Mrs. Clyde Thatcher

and her two minor children, Marjorie and Bobby Thatcher, when the automobile in which they were riding was struck by a Government truck operated in connection with the Civilian Conservation Corps, at the intersection of Beech Street and Grand Avenue, Beaumont, Tex., on August 1, 1936: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KRIKOR HAROUTUNIAN

The Clerk called the next bill, H. R. 2487, for the relief of Krikor Haroutunian.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Krikor Haroutunian the sum of \$1,000 in full settlement of all claims against the United States for bond guaranteeing the departure from the United States of Varter Zakarian and Vehanush Bagdasarian, aliens, who, although the bond was forfeited because aliens did not depart on or before January 1, 1928, subsequently received permission to remain in the United States.

With the following committee amendment:

Page 1, at the end of the bill insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE L. SHELDON

The Clerk called the next bill, H. R. 3171, for the relief of George L. Sheldon.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George L. Sheldon, East Pepperell, Mass., the sum of \$3,500. The payment of such sum shall be in full settlement of all claims against the United States of the said George L. Sheldon for personal injuries and property damage resulting from a collision, on August 10, 1937, at the junction of Hollis and Groton Streets, Pepperell, Mass., when a truck owned by the said George L. Sheldon and in which he was riding was struck by a motor vehicle owned by the Coast and Geodetic Survey, Department of Commerce, and operated by an employee of the Federal Emergency Administration of Public Works.

With the following committee amendments:

Page 2, line 2, after the word "vehicle", strike out the remainder of the line and all of lines 3, 4, and 5, and insert: "operated by an employee of the Works Progress Administration: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The Committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

CHARLES SIDENSTUCKER

The Clerk called the next bill, H. R. 3970, for the relief of Charles Sidenstucker.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles Sidenstucker, Jewell, Iowa, the sum of \$458.06. The payment of such sum shall be in full settlement of all claims against the United States for expenses incurred by the said Charles Sidenstucker in connection with the alteration of certain premises owned by him in Jewell, Iowa, for the purpose of rendering such premises suitable for use as a post office. Such alterations were made because the postmaster at Jewell, Iowa, received instructions from the Post Office Department to move the post office to the premises owned by the said Charles Sidenstucker, and thereupon the claimant was instructed to make and complete the alterations on his building in order to make it suitable as a post office; and the claimant proceeded to incur expense therefor and to complete the alterations. But the order to move the post office was thereafter rescinded.

With the following committee amendment:

Page 1, line 3, strike out "is" and insert "be, and he is hereby."

Page 1, line 6, strike out "\$458.06" and insert "\$300."

Page 2, line 1, after the word "post", strike out the remainder of line 1 and all of lines 2 to 9, inclusive, and insert the following: "office, the order for using such premises being thereafter rescinded: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAMES HENRY RIGDON

The Clerk called the next bill, H. R. 4388, for the relief of James Henry Rigdon.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to James Henry Rigdon, of Pickens, S. C., the sum of \$10,000, the same being in full satisfaction and settlement of any claim he may have against the United States Government on account of the loss of his left arm and other bodily injuries sustained, without any fault of his, by the negligent and reckless operation of a United States Government truck on a public highway near Pickens, S. C., on or about September 24, 1937.

With the following committee amendment:

Page 1, line 7, after the word "of", strike out the remainder of line 7 and all of lines 8 to 11, inclusive, and lines 1 and 2 on page 2, and insert the following: "\$3,500, in full settlement of all claims against the United States on account of the loss of his left arm and other bodily injuries and damages sustained by him by reason of the negligent and reckless operation of a United States Government truck operated in connection with Civilian Conservation Corps activities of the War Department, on a public highway near Pickens, S. C., on September 24, 1937: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The Committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GLADYS FAUGHNAN HOLDEN

The Clerk called the next bill, H. R. 4436, for the relief of Gladys Faughnan Holden, guardian.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Gladys Faughnan

Holden, guardian, the sum of \$5,000 in full settlement of claim against the United States Government on account of permanent injuries received by her son, Robert Faughnan, when struck by a United States mail truck on March 5, 1932, about 5 o'clock post-meridian, at Springfield Boulevard near Sheffield Avenue, Springfield, Queens County, New York: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following Committee amendments:

Page 1, line 5, after the word "to" strike out "Gladys Faughnan Holden, guardian", and insert "the legal guardian of Robert Faughnan, a minor, of Jamaica, New York."

Page 1, line 7, strike out "\$5,000" and insert "\$2,500."

Page 1, line 8, strike out "claim" and insert "all claims."

Page 1, line 10, strike out "her son" and insert "the said."

Page 2, at the end of line 2, strike out lines 3 to 15, inclusive, and insert "That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of Robert Faughnan, a minor."

R. D. TORIAN

The Clerk called the next bill, H. R. 5257, for the relief of R. D. Torian.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Works Progress Administration and/or out of any other money in the Treasury not otherwise appropriated, to R. D. Torian, of Weldon, Ark., the sum of \$10,000, in full settlement of his claim against the United States for the fatal injuries sustained by his son, William Edward Torian, in a collision between the Newport, Ark., public school automobile bus, in which the said William Edward Torian was an authorized student passenger, and an automobile truck owned and negligently operated by the Works Progress Administration on Arkansas State Highway No. 17, near Weldon, Ark., on April 26, 1938: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof, on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 5, after the word "Treasury" strike out the balance of line 5 and lines 6 and 7 down to the word "Treasury."

Page 1, line 9, strike out "\$10,000" and insert "\$3,500" and strike out "his claim" and insert "all claims."

Page 2, line 6, after the word "Provided", strike out the balance of the line and all of lines 7 to 18, inclusive, and insert the following: "That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELIEF OF THE LEGAL GUARDIAN OF BETTY LOU FRADY

The Clerk called the next bill, H. R. 5258, for the relief of the legal guardian of Betty Lou Frady.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Works Progress Administration and/or out of any other money in the Treasury not otherwise appropriated, to W. L. Frady, of Weldon, Ark., the sum of \$10,000, in full settlement of his claim against the United States for the permanent injuries sustained by his daughter, Betty Lou Frady, in a collision between the Newport, Ark., public-school automobile bus, in which the said Betty Lou Frady was an authorized student passenger, and an automobile truck owned and negligently operated by the Works Progress Administration on Arkansas State Highway No. 17, near Weldon, Ark., on April 26, 1938: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent shall be paid to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof, on account of services rendered in connection with said claims, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 5, after the word "Treasury", strike out the remainder of line 5 and all of lines 6 and 7 down to the word "Treasury."

Page 1, line 8, strike out "W. L. Frady" and insert "the legal guardian of Betty Lou Frady, a minor."

Page 1, line 9, strike out "\$10,000" and insert "\$5,000."

Page 1, line 10, strike out "his claim" and insert "all claims."

Page 1, line 11, strike out "his daughter" and insert "the said."

Page 2, line 7, after the word "Provided", strike out the balance of the line and all of lines 8 to 19, inclusive, and insert the following:

"That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of Betty Lou Frady."

RICHARD L. CALDER

The Clerk called the next bill, H. R. 5397, for the relief of Richard L. Calder.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Richard L. Calder, of New Hartford, Conn., the sum of \$1,206, in full payment of all claims against the United States for rental of two 3-ton trucks and one stone crusher furnished to the Works Progress Administration of Connecticut during the period from December 5, 1935, to February 4, 1936, in connection with official project No. 65-15-296: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 7, strike out the word "payment" and insert in lieu thereof "settlement."

Page 1, beginning with the syllable "Pro-", at the end of line 11, strike out the remaining language of the bill and insert in lieu thereof: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered

to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KNUTE E. NELSON

The Clerk called the next bill, H. R. 5805, for the relief of Knute E. Nelson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Knute E. Nelson, Mobile, Ala., the sum of \$61.76. Such sum represents the amount which the said Knute E. Nelson (an employee of the Treasury Department prior to his retirement on account of age) was obliged to refund to the Treasurer of the United States following a decision of the General Accounting Office that he was not entitled to an increase in salary for the period January 16, 1936, to July 27, 1936, both dates inclusive, since such increase was granted retroactively by the Treasury Department on July 28, 1936, and administrative changes in salary rates may not be made retroactively effective except under specific authority of law.

With the following committee amendments:

Page 1, line 6, strike out the word "represents" and insert in lieu thereof "shall be in full settlement of all claims against the United States for reimbursement of."

Page 2, at the end of the bill, add: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARGUERITE P. CARMACK

The Clerk called the next bill, H. R. 5812, for the relief of Marguerite P. Carmack.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Marguerite P. Carmack, of Forest Hill, Calif., the sum of \$364.23, the same being for repayment of purchase money paid in connection with mineral entry patent to Pacific Blue Lead, Outbreak, and Snow Shoe Mining District, Placer County, Calif.

With the following committee amendments:

In line 4, after the word "pay", insert "out of any money in the Treasury not otherwise appropriated."

In line 5, strike out the language "the same being" and insert in lieu thereof "in full settlement of all claims against the United States."

At the end of the bill add "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM H. DUGDALE AND WIFE

The Clerk called the next bill, H. R. 6209, for the relief of William H. Dugdale and wife.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000 to William H. Dugdale and wife, of Springfield, Ohio, in full satisfaction of their claims against the United States for injuries and damages received by them on October 30, 1930, caused by being struck by a car driven by Lyndo Myers, an employee of the United States at

the airport at Patterson Field, Fairfield, Ohio: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and that the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 5, strike out the sign and figures "\$10,000" and insert in lieu thereof "\$2,500 each."

Page 1, line 6, after the word "and", insert the word "his", and after the word "wife" insert "Ellen Dugdale."

Page 1, line 7, add an "s" to the word "claim."

Page 1, at the end of line 9 and the beginning of line 10, strike out the name "Lyndo Myers" and insert in lieu thereof "Lindo Meyer."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of William H. Dugdale and his wife, Ellen Dugdale."

STANDARD OIL CO. OF NEW JERSEY

The Clerk called the next bill, H. R. 6437, for the relief of Standard Oil Co. for losses sustained by payment of discriminatory excess tonnage taxes and light moneys.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Standard Oil Co., a corporation of the State of New Jersey, sole beneficial owner of the tank vessels *Zoppot*, *Gedania*, and *Baltic*, the sum of \$60,283, such sum representing losses sustained by Standard Oil Co. by payment of discriminatory excess tonnage taxes and light moneys into the Treasury under protest, upon the several entries of said tank vessels in ports of the United States prior to the President's proclamation of May 6, 1921, suspending and discontinuing foreign discriminatory duties of tonnage and imposts within the United States so far as respects the vessels of the Free City of Danzig. The acceptance of said sum by Standard Oil Co., sole beneficial owner of the tank vessels *Zoppot*, *Gedania*, and *Baltic*, shall be in full satisfaction of all claims in respect to such losses: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 2, beginning with the word "Provided", in line 9, strike out all the remaining language of the bill, and insert in lieu thereof: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of the Standard Oil Co. of New Jersey."

NATHAN A. BUCK

The Clerk called the next bill, H. R. 7959, for the relief of Nathan A. Buck.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, to Nathan A. Buck, of Chatham, Mass., the sum of \$300 in full compensation for damage caused to his oyster beds in Oyster Pond River, in said Chatham, in the fall of 1931 by a boat belonging to the United States Coast and Geodetic Survey, Department of Commerce.

With the following committee amendments:

Line 4, after the word "authorized", insert "and directed."
Line 6, strike out the word "compensation" and insert in lieu thereof "settlement of all claims against the United States."

At the end of the bill add: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. B. L. PURSIFULL, GRACE PURSIFULL, EUGENE PURSIFULL, RALPH PURSIFULL, BOBBY PURSIFULL, AND DORA LITTLE

The Clerk called the next bill, H. R. 658, for the relief of Dr. B. L. Pursifull, Grace Pursifull, Eugene Pursifull, Ralph Pursifull, Bobby Pursifull, and Dora Little.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000 to Dr. B. L. Pursifull; \$5,000 to his wife, Grace Pursifull; \$2,000 to their son, Ralph Pursifull; \$1,000 to their son, Eugene Pursifull; and \$5,000 to another son, Bobby Pursifull, each of whom are infants under the age of 21 years; and \$5,000 to Dora Little, all residing at McKee, Jackson County, Ky., in full settlement of all claims for damages against the Government of the United States on account of bodily injuries and damages received by them and each of them on or about June 6, 1937, through and by the negligence and carelessness of one Irvin Lakes, who at the time was an enrollee of the United States Civilian Conservation Corps and operating a Civilian Conservation Corps truck for and on behalf of the United States Forest Service and carrying on his duties thereunder on a public highway in Jackson County, Ky.; in that the said Irvin Lakes was at the time drunk and intoxicated and operated said truck in a reckless, negligent, and careless manner by driving said truck in the nighttime across and on the wrong side of said public highway leading from McKee, Jackson County, Ky., to Richmond, Ky., about 1 mile west of the town of McKee, Ky., and struck and demolished the automobile in which the said Dr. B. L. Pursifull; his wife, Grace Pursifull; and their three sons, Eugene, Ralph, and Bobby, and Dora Little were riding on said highway and at a time when the automobile of said Dr. Pursifull was on his right and proper side of said highway and he was operating same in a careful manner and exercising ordinary care for his and the safety and protection of those in said automobile with him. All of said injuries and destruction of said automobile and damages to said persons and said automobile were caused solely and only on account of the negligence and carelessness aforesaid of the said Irvin Lakes, and these claimants would not have been injured, damaged, or suffered loss but for the negligence and carelessness aforesaid of the said enrollee, agent, and servant of the United States Government.

With the following committee amendment:

Strike out all after the enacting clause and insert the following language:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$2,500 to the estate of Dr. B. L. Pursifull; \$2,245 to Grace Pursifull; \$250 to the legal representative of Ralph Pursifull; \$250 to the legal representative of Eugene Pursifull; and \$1,850 to the legal representative of Bobby Pursifull, each of whom are infants under the age of 21 years; and \$1,200 to Dora Little, all residing at McKee, Jackson County, Ky., in full settlement of all claims for damages against the Government of the United States on account of bodily injuries and damages received by them and each of them on or about June 6, 1937, when the car in which they were riding was struck by a Civilian Conservation Corps truck assigned to the Forest Service, near McKee, Ky.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of the estate of Dr. B. L. Pursifull, Grace Pursifull, Eugene Pursifull, Ralph Pursifull, Bobby Pursifull, and Dora Little."

A. S. TAIT

The Clerk called the next bill, H. R. 1435, for the relief of A. S. Tait.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$2,500 to A. S. Tait, of Friendship, N. Y., in full settlement of all claims against the United States for injuries sustained in line of duty as mail messenger in September 1937: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Line 5, strike out the sign and figures "\$2,500" and insert in lieu thereof "\$1,500."

Line 8, strike out the word "in" and insert in lieu thereof "on."

Line 8, after the word "September", insert "3."

Beginning with the word "Provided" in line 8, strike out the remaining language of the bill and insert in lieu thereof the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLA.

The Clerk called the next bill, H. R. 1798, for the relief of the Board of County Commissioners of Brevard County, Fla.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Board of County Commissioners of Brevard County, Fla., Titusville, Fla., the sum of \$309.24 in full satisfaction of its claim against the United States for moneys expended by the County Commissioners of Brevard County, Fla., with the consent and approval of the Bureau of Air Commerce, Department of Commerce, for the purpose of purchasing radio-range-station site at Titusville, Fla.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Line 3, after the word "Treasury", insert "be, and he."

Line 3, after the word "hereby", insert a comma.

Line 8, after the word "expended", insert "during the period October 1, 1937, to December 3, 1937."

Line 9, after the word "approval", insert "of a duly authorized agent."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN H. DURNIL

The Clerk called the next bill, H. R. 3963, for the relief of John H. Durnil.

Mr. COSTELLO and Mr. HANCOCK objected, and, under the rule, the bill was recommitted to the Committee on Claims.

MRS. GEORGE C. HAMILTON AND NANETTE ANDERSON

The Clerk called the next bill, H. R. 4561, for the relief of Mrs. George C. Hamilton.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. George C. Hamilton, of McComb, Miss., the sum of \$5,000, in full settlement and satisfaction for all damages sustained by herself and daughter, Nanette Anderson, on account of personal injuries received by them on May 28, 1938, when the car in which they were riding collided with a Government truck owned by the National Park Service and driven by one Emmett Deer, an employee of the Percy Quin State Park, said collision being entirely the fault of the driver of the Government truck: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, lines 6, 7, and 8, strike out the language "\$5,000, in full settlement and satisfaction for all damages sustained by herself and daughter, Nanette Anderson," and insert in lieu thereof "\$250, and to the legal guardian of Nanette Anderson, a minor, of McComb, Miss., the sum of \$1,000, in full settlement of all claims against the United States."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of Mrs. George C. Hamilton and Nanette Anderson."

EDD NEVINS

The Clerk called the next bill, H. R. 4756, for the relief of Edd Nevins.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edd Nevins, Portland, Oreg., the sum of \$248.75. Such sum represents the value of personal property owned by Edd Nevins and destroyed by fire at Camp Windy, Oreg., in January 1936, and at White River, Oreg., on February 14, 1936, while said Edd Nevins was an employee of the Works Progress Administration.

With the following committee amendments:

Line 8, strike out the wording "in January 1936" and insert in lieu thereof "on October 19, 1935."

Lines 10 and 11, strike out the wording "Works Progress Administration" and insert in lieu thereof "Forest Service, Department of Agriculture."

At the end of the bill add: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HOWARD DAURY

The Clerk called the next bill, H. R. 5866, for the relief of Howard Daury.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission, in the consideration of the claim of Howard Daury, of Pittsfield, Mass., for compensation for injuries sustained by him in line of duty on April 27, 1934, at Pittsfield, Mass., while employed by the Civil Works Administration, is hereby authorized and directed to waive the bar of the statute of limitations and to take jurisdiction of such claim notwithstanding the fact that it was not filed within one year of the date of injury as required by law.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That sections 17 to 20, inclusive, of the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916, as amended (U. S. C., 1934 ed., title 5, secs. 767 and 770), are hereby waived in favor of Howard Daury, of Pittsfield, Mass., who allegedly sustained injuries

in line of duty on April 27, 1934, at Pittsfield, Mass., while employed by the Civil Works Administration, and his claim for compensation is authorized to be considered and acted upon under the remaining provisions of such act, as amended, if he files such claim with the United States Employees' Compensation Commission not later than 6 months after the date of enactment of this act: *Provided*, That no benefits hereunder shall accrue prior to the approval of this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELLA RAGOTSKI

The Clerk called the next bill, H. R. 5928, for the relief of Ella Ragotski.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 to Ella Ragotski, or her legal representatives, in full settlement of all claims against the United States for damages for injuries sustained by her, and for medical treatment and hospitalization incident thereto, when she was struck, on the 27th day of March 1936, in the city of St. Louis, Mo., by an automobile operated by Milton W. Rischert who was then officially engaged in the discharge of his duties as a special-delivery messenger of the Post Office Department..

With the following committee amendments:

Line 3, after the word "Treasury", insert "be, and he is hereby."

Line 5, strike out the sign and figures "\$5,000" and insert in lieu thereof "\$3,500."

Lines 5 and 6, strike out the language "or her legal representative" and insert "St. Louis, Mo."

At the end of the bill add: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

R. E. RULE

The Clerk called the next bill, H. R. 6919, for the relief of R. E. Rule.

Mr. COSTELLO and Mr. HANCOCK objected, and, under the rule, the bill was recommitted to the Committee on Claims.

MORRISON-KNUDSEN CO., INC., AND W. C. COLE

The Clerk called the next bill, H. R. 7855, for the relief of Morrison-Knudsen Co., Inc., and W. C. Cole.

Mr. SCHAFER of Wisconsin. I object, Mr. Speaker.

There being no further objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he hereby is, authorized and directed to settle and adjust the claim of Morrison-Knudsen Co., Inc., and W. C. Cole, for reimbursement of the increased costs incurred in the procurement of sand conforming to specifications in the performance by said company of contract W-777-eng-221, dated September 6, 1938, covering construction of the major portion of the embankment and rough excavation for the spillway of the Fort Supply Dam located on Wolf Creek near Supply in Woodward County, Okla., and to allow in full and final settlement of the claim the sum of not to exceed \$37,470.49. There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated the sum of \$37,470.49, or so much thereof as may be necessary, for the payment of said claim: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE R. MORRIS

The Clerk called the next bill, S. 263, for the relief of George R. Morris.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended by sundry acts, including the act of February 15, 1934, any disability of George R. Morris, of Portland, Oreg., resulting from his having been crushed between two automobiles on November 9, 1936, shall be held and considered to be directly attributable to traumatic injury received by him in the performance of his duty as an employee of the Works Progress Administration; and the United States Employees' Compensation Commission is authorized and directed to consider and act upon any claim filed by him under the provisions of such act, as amended and supplemented, within 1 year from the date of enactment of this act: *Provided*, That no benefits shall accrue prior to the approval of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

R. G. SCHRECK LUMBER CO.

The Clerk called the bill (S. 2276) for the relief of the R. G. Schreck Lumber Co.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the R. G. Schreck Lumber Co., of East Tawas, Mich., the sum of \$337.85, in full satisfaction of its claims for the remission of liquidated damages deducted from amounts otherwise due it for lumber and building materials furnished the United States Forest Service, Department of Agriculture, pursuant to purchase order No. 427, dated May 29, 1936; purchase order No. 477, dated June 9, 1936; and purchase order No. 483, dated June 10, 1936: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARY PIERCE AND JOHN K. QUACKENBUSH

The Clerk called the bill (S. 2500) authorizing the Comptroller General of the United States to settle and adjust the claims of Mary Pierce and John K. Quackenbush.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and adjust the claims of Mary Pierce, New Hampton, N. Y., for \$125; and John K. Quackenbush, Denton, N. Y., for \$200, for the cost of replacing fences on their lands taken for firewood by enrollees of the Civilian Conservation Corps while engaged in removing field stones from such lands for use on the Wallkill River flood-control project in the fiscal year 1937, and to allow in full and final settlement of the claims the sum of not to exceed \$325. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$325, or so much thereof as may be necessary, for payment of the claims: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EDITH EASTON AND ALMA E. GATES

The Clerk called the bill (S. 2607) authorizing the Comptroller General of the United States to settle and adjust the claim of Edith Easton and Alma E. Gates.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and adjust the claim of Edith Easton and Alma E. Gates, of Sacramento, Calif., for \$250, as the reasonable value of 25,000 board feet of lumber removed without authority from their land in Calaveras County, Calif., during July and August 1933, by members of the Civilian Conservation Corps, camp F-88, Dornington, Calif., and to allow in full and final settlement of the claim the sum of not to exceed \$250. There is hereby appropriated, out of any money in the

Treasury not otherwise appropriated, the sum of \$250, or so much thereof as may be necessary, for payment of the claim: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAMES NEOHORITIS

The Clerk called the bill (H. R. 7491) for the relief of the alien James Neohoritis.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding any provision of the immigration law to the contrary, the Secretary of State is hereby authorized and directed to cause to be issued to James Neohoritis, a former resident of the United States whose wife is a resident of the United States and whose three minor children are citizens and residents of the United States, a nonquota immigration visa. The said James Neohoritis shall, notwithstanding any provision of the immigration law to the contrary, be admitted to the United States for permanent residence upon his arrival.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HUBERT RICHARDSON

The Clerk called the bill (S. 2299) for the relief of Hubert Richardson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to issue patent on Western Navajo Indian Reservation exchange selection 078942 filed on October 18, 1938, by Hubert Richardson in the district land office at Phoenix, Ariz., under the act of May 23, 1930 (46 Stat. 378), as amended by the act of February 21, 1931 (46 Stat. 1204), for lots 2, 3, and 4 of section 22, township 29 north, range 9 east, Gila and Salt River base and meridian, upon the submission of satisfactory proofs covering both the offered and the selected lands, as required by section 2 of the act of May 23, 1930, cited above, notwithstanding that the selected lands are within the boundaries of the Western Navajo Indian Reservation, and notwithstanding the provisions of the act of June 14, 1934 (48 Stat. 960). The patent hereby authorized to be issued shall be subject to the provisions and conditions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ARTHUR MORTIMER FIELDS, JR.

The Clerk called the bill (S. 2879) to authorize the posthumous appointment of the late Arthur Mortimer Fields, Jr., to be an ensign of the United States Navy.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to issue posthumously to the late Arthur Mortimer Fields, Jr., a commission as an ensign of the United States Navy with date of rank as of June 1, 1939: *Provided*, That no back pay, allowances, gratuities, or pension shall accrue due to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE H. EISWALD

The Clerk called the bill (S. 2157) for the relief of George H. Eiswald.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Navy George H. Eiswald (C-2317652) shall be held and considered to have served for 90 days, between the dates of April 21, 1898, and July 4, 1902, in the United States Navy during the War with Spain and to have been honorably discharged from such service: *Provided*, That no pension, pay, or bounty shall be held to have accrued by reason of this act, prior to its enactment.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE A. CARDEN AND ANDERSON T. HERD

The Clerk called the bill (H. R. 7230) to provide for an appeal to the Supreme Court of the United States from the decision of the Court of Claims in a suit instituted by George A. Carden and Anderson T. Herd.

Mr. COSTELLO and Mr. COCHRAN objected, and the bill was recommitted to the Committee on the Judiciary.

PURCHASERS OF LOTS, HARDING, FLA.

The Clerk called the bill (S. 538) for the relief of certain purchasers of lots in Harding town site, Florida.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent to any person who, as a result of an auction sale of lots in Harding town site, Florida, conducted during February 1924 by a representative of the Department of the Interior, agreed to purchase a lot in such town site and who (1) prior to the date of approval of this act has paid to the United States 75 percent or more of the agreed purchase price of such lot, or (2) within 12 months after the date of approval of this act makes payment to the United States which, together with payment previously made, amounts to 75 percent of the agreed purchase price of such lot.

Sec. 2. As used in this act, the term "person" includes an individual, partnership, corporation, or association.

The bill was ordered to be read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

PACIFIC AIRMOTIVE CORPORATION

The Clerk called the bill (H. R. 2161) for the relief of the Pacific Airmotive Corporation, Burbank, Calif.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Pacific Airmotive Corporation, Burbank, Calif., out of any money in the Treasury not otherwise appropriated, the sum of \$940 in full and final settlement of any and all claims against the Government on account of the damage done to an airplane belonging to said corporation by a United States Navy plane September 1, 1938, at Union Air Terminal, Burbank, Calif.

With the following committee amendment:

At the end of the bill, strike out the period, insert a colon and the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KEUFFEL & ESSER CO. OF NEW YORK

The Clerk called the next bill, H. R. 3769, for the relief of the Keuffel & Esser Co. of New York.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Keuffel & Esser Co. of New York, San Francisco, Calif., branch, the sum of \$90. The payment of such sum shall be in full settlement of all claims against the United States arising out of repairs made by such company in June 1935 to an engineer's transit upon the order of the project superintendent of camp SP-8-A, Kingman, Ariz., Civilian Conservation Corps. Such transit was the private property of an engineer employed by the Government on such project and was damaged while in use by such camp.

With the following committee amendment:

Page 2, line 3, after the word "camp", insert: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. COSTELLO. Mr. Speaker, I move to dispense with further proceedings under the call of the Private Calendar.

The SPEAKER pro tempore. Without objection, further proceedings under the call of the Private Calendar will be dispensed with.

There was no objection.

ELECTION TO STANDING COMMITTEES

Mr. CULLEN. Mr. Speaker, I offer the following privileged resolution (H. Res. 411), which I send to the desk.

The Clerk read as follows:

House Resolution 411

Resolved, That WALTER A. LYNCH, of New York, be, and he is hereby, elected a member of the following standing committees of the House of Representatives, to wit: Enrolled Bills, Elections No. 1, Expenditures in the Executive Departments, and World War Veterans' Legislation.

The resolution was agreed to.

EXTENSION OF REMARKS

Mr. HARRINGTON. Mr. Speaker, I ask unanimous consent to extend my own remarks and include therein a resolution from the Boston Marine Society in opposition to the Wheeler-Lea transportation bill.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

DEPARTMENT OF THE INTERIOR APPROPRIATION BILL, 1941

Mr. FITZPATRICK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8745) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1941, and for other purposes, and pending that I ask unanimous consent that general debate continue through the balance of the day, the time to be equally divided between the gentleman from Pennsylvania [Mr. RICH] and the gentleman from Oklahoma [Mr. JOHNSON].

The SPEAKER pro tempore (Mr. WOODRUM of Virginia). Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8746), the Department of the Interior appropriation bill, with Mr. COOPER in the chair.

The Clerk read the title of the bill.

By unanimous consent the first reading of the bill was dispensed with.

The CHAIRMAN. The gentleman from Oklahoma [Mr. JOHNSON] is recognized.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I yield myself 20 minutes.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. Chairman, the subcommittee in charge of the Interior Department appropriation bill, after extended hearings, presented the bill to the full committee and it was reported to the House yesterday. This delay of 24 hours after the bill was reported was decided upon because of requests on the part of several prominent Members on both sides of this Chamber. Personally I think it is a splendid idea. It has given the Members an opportunity to read the hearings and familiarize themselves with the provisions of the bill. Frankly, I hope that this course may be pursued in connection with reporting other appropriation bills.

Before going into a discussion of the bill I want to express my regret that the chairman, the gentleman from Colorado [Mr. TAYLOR], is unable to be present. Because of temporary illness, he was not able to be with us during the consideration of the bill. He has been a member of the Interior Department subcommittee since the committee was organized, and has served as its chairman since 1932. I am glad to be able to report to you that he is improving, and we are assured

that he will be back actively on the job within a very short time.

I want to thank the majority members of the subcommittee for their patience and hard work in sitting through the several weeks of continuous hearings which we held on this bill. They have been most helpful and cooperative and deserve the thanks of the House for the able and efficient service they have rendered.

I want to say further that we have had the finest kind of cooperation from the minority members of the committee. Without meaning to be critical of the past, I can honestly say that we have worked together with greater harmony than ever before. In effect, there has been no majority and no minority in connection with the consideration of this bill.

During recent years there have been 21 new activities transferred to the Interior Department and provided for in this bill. In addition to this number, the recent reorganization plans resulted in the transfer of 4 additional agencies, making a total of 25.

Those four agencies are: The Bureau of Fisheries, the Biological Survey, the United States High Commissioner to the Philippine Islands, and the Bureau of Insular Affairs.

The subcommittee has given very careful consideration to every item in the bill and has made numerous small cuts in a great many items, rather than a few drastic cuts in several items, as has been on occasions in the past. An examination of the table at the back of the report will show that there have been reductions in 93 items.

As you know, we have had a lot of trouble with legislative provisions in the past. This year we have striven to keep them to a minimum. I think in the last bill we had 14 legislative provisions. If you will examine the bill, I think you will find only 7, and in each instance the committee felt it was not only advisable but in the interest of economy to include them.

You might also be interested to know that this bill, in number of pages, is the largest appropriation bill we have reported in a great many years, and probably the largest since the organization of the committee in 1921. It covers 144 pages. The hearings are very voluminous, there being 3,617 transcript pages which made 1,910 printed pages. The report on the bill covers 55 pages.

Now we come to the items of the bill, and this is the matter in which most Members are especially interested.

COMPARISON OF APPROPRIATIONS AND ESTIMATE

The first question you will ask is: What is the Budget estimate, and is the bill as the committee reported it under the Budget estimate? Then you will want to know how the bill compares this year with the one of last year. The total Budget estimate considered by the subcommittee amounted to \$122,057,464. The committee recommends appropriations totaling \$119,071,187. This is a reduction under the Budget estimate amounting to \$2,986,277, and the bill is under the 1940 appropriations by \$29,789,443. The Budget estimates proposed a cut of more than \$29,000,000, which represents a cut of more than 20 percent under the 1940 appropriation. The severe cut in the Budget estimates as submitted added to our task of bringing the bill substantially under the estimates. In line with the policy established by the full committee in consideration of the Independent Offices bill we have deducted all new money for administrative promotions amounting to approximately \$170,000. This, of course, does not mean that the lapses which may occur cannot be used for promotions.

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I am glad to yield to my colleague, a member of the committee.

Mr. FITZPATRICK. As for the \$170,000 item mentioned by the gentleman I voted against that both in the subcommittee and in the full committee. I have been consistently against its elimination from the Budget estimate.

Mr. JOHNSON of Oklahoma. The gentleman has been absolutely consistent in that attitude. He told us of it sev-

eral times while the subcommittee was holding its hearings and stated his position again in the full committee, asserting that he would not support that cut. The gentleman has been very consistent in living up to that declaration. It is well known, however, that it is the policy of the full Committee on Appropriations to deduct all appropriations of new money for promotions this year.

PUBLIC WORKS

The estimate provided funds for public works, including the Bonneville project, Bureau of Indian Affairs, the Bureau of Reclamation, and the National Park Service, totaling \$62,394,750. Of these public-works items the committee has recommended a total of \$61,556,050, which is a reduction of \$838,700 in the Budget estimates.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. JONES of Texas. I notice in a hurried glance at the report that the item for water conservation on certain projects, \$5,000,000, was eliminated. Is that correct?

Mr. JOHNSON of Oklahoma. That is correct.

Mr. JONES of Texas. No provision whatever is made for it in this bill?

Mr. JOHNSON of Oklahoma. No direct appropriation has been made, because I believe it was stated that this was to be taken care of at a later date.

Mr. JONES of Texas. It is not intended to abandon it, then?

Mr. JOHNSON of Oklahoma. Not at all. The committee feels that it is a very important activity and is very sympathetic to it. Personally, I feel more money should be appropriated for this particular activity for the coming year.

Mr. JONES of Texas. I feel that this kind of work is the best type that can be done, because it is more widely distributed in its benefits.

Mr. JOHNSON of Oklahoma. I agree with the gentleman.

Mr. JONES of Texas. Water is very important in a great many of these areas, and its proper utilization is always one of the most important things we can consider.

Mr. JOHNSON of Oklahoma. I agree with the gentleman thoroughly, and I assure him that there is no thought on the part of any member of the committee to oppose such an appropriation.

Mr. COFFEE of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. COFFEE of Nebraska. Is it not a fact that the unexpended balance has been appropriated for this item?

Mr. JOHNSON of Oklahoma. That is correct; yes; that is true.

Mr. COFFEE of Nebraska. I am very much interested in it, and I am glad to know there will be some money left to carry on the work during the coming year. Can the gentleman tell me how much the unexpended balance is?

Mr. JOHNSON of Oklahoma. It is in excess of \$2,000,000. That is the unexpended balance of the appropriation of \$5,000,000 in the 1940 act.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. O'CONNOR. I am informed that the amount unused—or, to put it another way—the amount that is reapportioned is about \$2,500,000. Assuming this to be the fact, does not the gentleman believe that Congress ought at least to appropriate \$2,500,000 additional to bring it up to the \$5,000,000 revolving fund that has been suggested by the Secretary of the Interior?

Mr. JOHNSON of Oklahoma. Personally, I feel very much that way about it.

Mr. O'CONNOR. The following States, I understand, are directly concerned: Arizona, Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oregon, Oklahoma, South Dakota, Texas, Utah, and Wyoming, under the plan evolved and now known as the Wheeler-Case plan.

Mr. JOHNSON of Oklahoma. That is my understanding. I am glad the gentleman mentioned that, for it is a matter

with which I personally am very sympathetic and I would be glad to see Congress appropriate the full amount suggested by the gentleman to carry on that work.

Mr. O'CONNOR. May I ask how the gentleman feels about an amendment along this line?

Mr. JOHNSON of Oklahoma. So far as I personally am concerned I would not be in a position to object to it, but I cannot speak for the rest of the committee.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. CURTIS. Did I understand the gentleman to say that the plan was to provide an amount in another appropriation bill for a continuation of the Wheeler-Case plan?

Mr. JOHNSON of Oklahoma. That may be done. I am not informed as to just what the program is.

Mr. CURTIS. Can the gentleman tell us how much that is?

Mr. JOHNSON of Oklahoma. I cannot give the gentleman the figures, but the committee was advised that the proponents of this proposition hoped to secure a Budget estimate for it in the near future. I shall be glad if that can be done.

OFFICE OF THE SECRETARY OF THE INTERIOR

For the office of the Secretary of the Interior and the several activities under his immediate office, the Budget estimate amounted to \$6,051,260, which is less than the current appropriation by \$1,173,000. This represents a reduction under the Budget estimate of \$278,000 and is due mainly to cuts of \$200,000 in the estimate for the Bituminous Coal Commission, and \$25,000 in the estimate for Personnel Management Administration.

WAR MINERALS RELIEF COMMISSION

The committee has eliminated the estimate of \$11,200 for the War Minerals Relief Commission. The committee was advised 3 years ago that this work would be completed at the close of the next fiscal year. Last year we recommended a small appropriation to clear up some new cases that had come to light. The committee feels very strongly that this work should have been completed before now and that it can be completed by July 1, 1940. Therefore the request of the Budget estimate of \$11,200 was disallowed.

BONNEVILLE POWER ADMINISTRATION

The Budget submitted an estimate of \$6,000,000 for the continuation of construction of the Bonneville project. We have looked into the matter carefully and find that on July 1, next, there will be nearly \$3,000,000 unobligated and unexpended for Bonneville from funds heretofore appropriated. So we felt justified in cutting \$1,000,000 for the Bonneville estimate. We believe that the amount appropriated will carry the work through the next fiscal year.

GENERAL LAND OFFICE

The committee has increased the estimate for the General Land Office. The committee has recommended \$2,187,440. This sum is less than the 1940 appropriation by \$154,000. It is in excess of the estimate by \$135,940. The increase over the estimate will provide funds approaching the amount made available in recent years for the survey of public lands. Funds of this type provide a great deal of employment and survey work is of great value in connection with the development of public lands. The amount allowed is considerably less than the sum appropriated for this purpose during the 3 previous years. There are several hundred million acres of land in the United States and Alaska that have never been surveyed.

Mr. FITZPATRICK. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield to the gentleman from New York.

Mr. FITZPATRICK. This is one department of the Federal Government that turns money back to the Treasury of the United States every year?

Mr. JOHNSON of Oklahoma. That is true, and I may add it is one of the few departments of the Government that turns in money to the Treasury above its expenditures.

BUREAU OF INDIAN AFFAIRS

Next we come to the Bureau of Indian Affairs, where the subcommittee recommended \$30,497,736. The Budget esti-

mate totaled \$30,953,861. The amount recommended in the bill is less than the 1940 appropriation by \$4,217,933 and reflects a reduction in the estimates of \$456,125. Frankly, I felt that the cut for the Bureau of Indian Affairs was extremely severe. It had already been cut nearly 20 percent.

For industrial assistance to Indians, which includes the administration of Indian forests, the sale of timber, the employment of Indians in gainful occupations, the development of agriculture and stock raising, arts and crafts, and other activities, we have recommended a total of \$1,789,080. This is below the 1940 appropriation by \$124,170 and is less than the Budget estimates by \$152,140.

The major reductions recommended in this item are as follows:

First. Administration of Indian forests, \$41,360.

Second. Development of agriculture and stock raising, \$59,480. This is one of the items where I felt the cut was rather excessive.

Third. Revolving loan fund of \$50,400.

For construction work in connection with Indian irrigation and drainage works we have made two reductions in the estimate—a cut of \$100,000 in the Colorado River project in Arizona and reduction of \$25,000 in the estimate of \$275,000 for the Flathead project in Montana. We were advised that neither cut will seriously retard the work or prevent the Government from meeting its contractual obligations.

For the construction of roads on Indian reservations we have recommended \$2,000,000, which is the sum recommended by the Budget and is \$250,000 under the 1940 appropriation. The amount authorized for this purpose by the Hayden-Cartwright Act is as you know, \$3,000,000. This money is probably of greater benefit to the Indians than any other single item; at least it affords more employment to the Indians.

I have some figures here which I will insert in the Record. In short, it shows that this \$2,000,000 will keep nearly 8,000 Indians at work. These figures are as follows:

Road work is performed at approximately 70 jurisdictions, comprising about 200 Indian reservations, with an area in excess of 50,000,000 acres of land located in 22 States. Progress of the work continues to be made, as evidenced by accomplishments during the fiscal year ended June 30, 1939:

Roads graded.....	miles.....	571.5
Roads surfaced.....	do.....	468.3
Roads maintained.....	do.....	5,274.6
Bridges constructed.....	.....	102
Bridges repaired.....	.....	506
Culverts installed.....	.....	2,056
People employed.....	.....	8,374
Man-hours work furnished.....	.....	3,403,570

In connection with employment of Indians, you may be interested to know that of the 14,000 employees in the Indian Service, in the District of Columbia and in the field, there are 108 Indian employees in the city of Washington and 4,390 Indian employees in the field—a total of 4,498.

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I yield myself 10 additional minutes.

Mr. Chairman, for the construction and repair of buildings the subcommittee recommends \$916,000, which is under the Budget estimate by \$51,000 and is less than the current appropriation by \$1,349,000.

BUREAU OF RECLAMATION

For the Bureau of Reclamation we have recommended a total appropriation from all funds, which means the reclamation fund and the general fund of the Treasury, amounting to \$48,214,000, which is less than the 1940 appropriation by \$13,903,000 and is in excess of the Budget estimate by \$195,000.

It is of interest to observe at this point that of the total reduction of \$29,000,000 below the appropriation of last year approximately \$14,000,000 or nearly one-half the total cut is due to a reduction in the reclamation appropriation alone.

GEOLOGICAL SURVEY

In considering the item for the Geological Survey we have recommended a total of \$3,586,910. This represents an in-

crease over the current appropriation of \$118,910, but it is less than the estimates by \$1,247,150. The major reduction in this item is for topographic mapping, which is cut \$1,211,690. This reduction is due to the denial of \$985,350 for the topographic mapping of areas of strategic value in connection with military activities. The areas were to have been selected by the Secretary of War. The committee is not unsympathetic to this work, in fact, the sentiment after hearing the evidence is that it is of much value as far as defense purposes are concerned, but the committee feels very strongly that any defense measures should be provided for in the proper bill, which, of course, is the military appropriation bill.

The remaining cut in this item of topographic surveys amounts to \$225,000 intended for cooperative mapping on a 50-50 basis with the States. We are allowing \$275,000 of the Budget estimate of \$500,000 for this purpose. The Geological Survey advises us that only \$246,000 has been requested for mapping up to the present time. It is extremely unlikely that additional requests for matching between now and July 1 will bring the total demand for this purpose to a sum in excess of \$275,000.

BUREAU OF MINES

For the Bureau of Mines, we are recommending a total appropriation of \$2,808,460. This is \$59,300 less than the appropriation last year and \$23,500 under the Budget estimates.

Members of the committee and undoubtedly most Members of the House have received numerous letters protesting against the issuance of monthly forecasts of demand for motor fuel and crude oil, complaint being made that the reports penalize many thousands of independent oil marketers; in other words, that these reports are for the benefit of the large distributors. The facts are just the opposite. The committee has taken occasion to inquire into the question and several statements relative to it were made to the committee by responsible persons. Their testimony appears in the hearings on the bill. The committee was advised by those witnesses that a continuation of the issuance of forecasts is highly desirable, that it acts as a stabilizer for the oil market. It is significant that a vast majority of those objecting to the forecasts are in favor of a demoralized oil market which would enable them to purchase oil from the small refineries at a low price and store it for sale when prices have advanced. A demoralized market is obviously more harmful to the smaller dealer, who does not have the resources to weather a depressed market. The committee recommends continuation of the funds for the issuance of these monthly forecasts.

NATIONAL PARK SERVICE

For the National Park Service the committee recommended a total of \$8,948,770, which was less than the 1940 appropriation by \$3,661,252, and \$117,770 less than the Budget estimate. The major reductions made by the committee in connection with the Park Service items are as follows:

Under the estimate for national historic parks and monuments, the committee has disallowed \$17,000 to begin the administration, protection, and maintenance of the proposed historic site embracing Frederick W. Vanderbilt's estate near Hyde Park, N. Y.

We have also disallowed \$40,000 for the construction of a comfort station adjacent to the Arlington Memorial Bridge. The committee actually found that, although there are parks without any sanitary facilities, and although there are many urgent demands for money in the field in several States of the Union, the Bureau of the Budget actually had the unmitigated gall to ask this committee and the Congress to appropriate \$40,000 for a marble or granite comfort station for the convenience of persons in Washington who attend outdoor plays and concerts at the Arlington Bridge.

But that is not all. The committee disallowed an appropriation of \$28,000 for steam lines from the central heating plant to heat the Lincoln Memorial which is entirely open on the east side. The testimony was that it was thought

that if the Lincoln Memorial were heated it might last a few hundred or possibly a few hundred thousand years longer, but we were warned very solemnly that if the Lincoln Memorial is permitted to remain unheated it is likely to deteriorate within the next 50,000 or 100,000 years. [Applause.]

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield to the gentleman from New York.

Mr. FISH. I am sorry I am so far back here that it is hard for me to hear, but did the gentleman say the committee had cut out the funds for the maintenance of the Hyde Park Library?

Mr. JOHNSON of Oklahoma. No; not the Hyde Park Library.

Mr. FISH. The purchase of the Vanderbilt estate?

Mr. JOHNSON of Oklahoma. I am sorry about the confusion in the back of the Chamber of a few who desire to carry on a private conversation. Possibly they do not care whether the heat is put on Abraham Lincoln or whether the Vanderbilt estate and name is perpetuated by this Government. But as I stated, the committee disallowed the item of \$17,000 for the purpose of establishing a new historic site known as the Vanderbilt estate.

Mr. FISH. Is that in Hyde Park?

Mr. JOHNSON of Oklahoma. That is near Hyde Park. The committee has never visited the estate and is not familiar with it. It may be a very desirable thing to do. The fact is that there were many, many such suggestions made to the committee; but with all the other activities we have to take care of, and with the many calls upon the committee for money, we thought that we might be able to get along at least 1 more year without the cost of maintaining this beautiful and gorgeous estate. We did not feel justified in adding to the burdens of the taxpayers this additional item at this time.

Mr. FISH. I am glad to see that the gentleman and his party are standing for economy, particularly at this serious juncture of our affairs.

Mr. JOHNSON of Oklahoma. I thank the gentleman.

I was just stating that we have also been so cruel as to refuse to add \$28,000 for heating the Lincoln Memorial, which is open on the east side, as we felt it would be rather difficult to heat the whole outside world, and could not make ourselves believe it was a great emergency. [Laughter.]

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield for a question on that point?

Mr. JOHNSON of Oklahoma. I will be pleased to yield to the gentleman from Michigan.

Mr. CRAWFORD. Did the Budget carry recommendations for \$40,000 for a comfort station under the bridge and also an appropriation for the heating arrangement which the gentleman has mentioned?

Mr. JOHNSON of Oklahoma. I am ashamed and chagrined to tell the gentleman that it did, this great Federal Budget that we sometimes think is infallible when we go down to try to get a few dollars for some human needs, such as building a hospital where people are being cared for in shacks or in death traps. We are told that in the interest of economy this cannot be done, but it is no trouble to get a \$40,000 estimate for a toilet or rest room under the Arlington Bridge, in order to satisfy the socially elite of the Nation's Capital.

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I yield myself 5 additional minutes.

Mr. CRAWFORD. I think the committee is to be congratulated upon eliminating both of those items.

Mr. JOHNSON of Oklahoma. I thank the gentleman. But that is not all the items we eliminated. Now, let us see: We not only refused to put the heat on Abraham Lincoln, but we took the risk of getting in bad with the followers of another great and beloved American, Thomas Jefferson. One hundred and eleven thousand, two hundred and sixty dollars has been deducted from the estimate of \$263,760 for the development of grounds adjacent to the

Thomas Jefferson Memorial. The work includes cutting away and filling in the seawall—not only one, but both seawalls—and destroying a lot more cherry trees. We allowed half the amount requested, but the committee felt that at least one radical change that is desired to be made down there could at least be postponed another year because it will not impair the memory of Thomas Jefferson and will be in the interest of economy. [Applause.]

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I will be pleased to yield to my colleague from New York.

Mr. FITZPATRICK. It was also stated, was it not, that after the memorial is completed we will have more cherry trees than we have at the present time.

Mr. JOHNSON of Oklahoma. The evidence was that it is proposed to have more cherry trees, eventually, than we now have, but that will be in some far, distant time when those trees are set out and grown. May I call the attention of my colleague to the fact that it was also testified that it is proposed to cut away several hundred in the area where cherry trees are now growing, the excuse being given that some are getting old anyway and could not be expected to live much longer. The refusal of this committee will give those trees one more year's lease on life. We took this position in spite of the fact that another great American, George Washington, is said to have cut down a cherry tree. [Laughter.]

Mr. CULKIN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. CULKIN. I happen to be a member of the Jefferson Memorial Commission, and I assume the gentleman recognizes that this work must eventually be done, and this is simply to defer the excavation work or the filling in.

Mr. JOHNSON of Oklahoma. Oh, I will say to the gentleman that the committee is not trying to usurp the prerogatives of the gentleman's distinguished Commission, which has done a splendid job, but the committee did feel that this work could be postponed for at least another year without any serious damage.

Mr. CULKIN. It will be done at that time?

Mr. JOHNSON of Oklahoma. Of course, I cannot say what the next Congress will do or what the next committee will do. I have my own personal feelings in the matter.

Mr. CULKIN. But unless it is done this year or next year it will leave a permanent scar in the landscape there.

Mr. JOHNSON of Oklahoma. Of course, that is a matter of personal opinion. I am not as familiar with it as is the gentleman, but nevertheless without more evidence than we had that it is an emergency, the committee feels that we can postpone this work another year.

Mr. CULKIN. I thank the gentleman.

BIOLOGICAL SURVEY

Mr. JOHNSON of Oklahoma. As mentioned earlier in my statement, the Biological Survey was transferred to the Interior Department by Reorganization Plan II. The principal change in this item is an increase proposed by the Budget and allowed by the committee, making \$1,000,000 additional available for Federal aid in wildlife restoration. This increase makes a total of \$2,500,000 available for this purpose. As you know, this money is derived from the provisions of the revenue bill of 1932, placing a tax on firearms and ammunition. The money is distributed to the States for expenditure under conditions set out in the basic act, the act of September 2, 1937.

The committee added 3 enforcement officers. The Biological Survey asked for 55. The committee also added 2 airplanes for enforcement work in Alaska. One member of our committee who had recently been to Alaska said that, in his judgment, this was the most urgent need insofar as enforcement work there is concerned, as they have practically no highways, and where, we were advised, fur bandits and other undesirables are playing havoc with the wildlife in Alaska.

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I yield myself 5 additional minutes.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I will be pleased to yield to the gentleman from Missouri.

Mr. COCHRAN. Of course, this \$1,000,000 increase for the Biological Survey will not be reflected in the Treasury statement so far as the deficit is concerned, as the basic law provides that the money collected as a result of this tax can be used only for the purposes mentioned by the gentleman.

Mr. JOHNSON of Oklahoma. The gentleman has stated the situation correctly.

Mr. COCHRAN. It is not going to increase the deficit in any way. It would simply take \$1,000,000 more of what has been collected for this specific purpose.

Mr. JOHNSON of Oklahoma. That is true, and the sportsmen wanted it. They wanted their money spent in that way.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. ALEXANDER. I notice an item of \$60,000 has been cut out for the upper Mississippi Wild Life Refuge. Is that included in the \$2,500,000 item mentioned in the committee report, which I assume comes as a result of our paying in a dollar a year for a stamp tax when we buy hunting licenses?

Mr. JOHNSON of Oklahoma. I will say to the gentleman in reply that the need for that has ceased to exist as the current appropriation is sufficient to take care of that work.

Mr. ALEXANDER. There is another item that I desire to inquire about. That is the item regarding the \$141,000 appropriation for the support of the United States High Commissioner to the Philippines. As I understand it, on exports by the Philippines to us of vegetable oils, such as coconut oil and oils of that type, which compete with our own butter-fat and farm produce, we charge a 3-percent excise tax, and then we refund that back to the Philippines. Is that true?

Mr. JOHNSON of Oklahoma. Of course, so far as this committee is concerned, we had no testimony concerning the matter. Actually, of course, that is true, but, so far as our bill is concerned, that does not enter into the question. That is a subject for the Ways and Means Committee.

Mr. ALEXANDER. The point I make is this: Due to the economic situation the Nation is in today, the need to economize at every point, here is an item of \$141,000, and it seems to me in good common sense we should take that out of that excise tax rather than turn it all back to the Philippines. As I understand it, they have not a dollar of debt over there. They have millions of dollars on deposit here which has been collected by us in excise taxes and which we are holding for their account and which the Government of the Philippines is squandering in various ways which are more or less questionable. We tax ourselves to the extent of \$141,000 to support the United States High Commissioner to the Philippines and then turn back to them every penny of this excise tax we collect, and we collect it to protect our farmers and then turn it back. What sense is there to that? Let us take this \$141,000 out and at least save ourselves that much.

Mr. JOHNSON of Oklahoma. The gentleman has certainly given us cause for thought, but it does not belong here. That is a legislative matter that Congress has to take up in a separate way. I will say that the amount appropriated here is approximately the same amount that they had last year. The committee did reduce the estimate \$18,000 below the sum requested.

Mr. ALEXANDER. I think the committee has done a fine job, but I still think it is a matter we could well consider at this time, because it is a Philippine matter, and it is all one problem, is it not?

Mr. JOHNSON of Oklahoma. I cannot agree that it is a problem for this committee at this time.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. Yes.

Mr. VAN ZANDT. Will the gentleman tell me what the committee did with the recreation demonstration project? Last year they were financed through the relief money.

Mr. JOHNSON of Oklahoma. There were no estimates, as I recall, for any of them. It was hoped that they could be taken care of in some emergency funds.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. JOHNSON of Oklahoma. I shall have to yield myself 5 minutes more. The Committee is very sympathetic with the matter the gentleman has just mentioned, and I am hopeful that it can be taken care of later.

Mr. CARLSON. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. Yes.

Mr. CARLSON. The gentleman may have discussed this earlier in his remarks. I refer to water conservation and utility projects. Five million dollars were appropriated in 1940, and I notice it now reads reappropriation, and later the bill provides a \$5,000,000 reduction. How does the gentleman explain that?

Mr. JOHNSON of Oklahoma. I did discuss that earlier in my remarks. The fact is that there is nearly two million and a half dollars unexpended, and it is reappropriated in this bill. The committee had information that those sponsoring this very worthy matter hoped to get a Budget estimate within a short time for considerably more than the gentleman is asking for, and, as one member of the committee, I am very sympathetic toward it and realize the importance of that work, and I will say again that personally I hope we may be able to secure an additional appropriation.

Mr. CARLSON. I am very glad to get that statement.

Mr. MASSINGALE. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. Yes.

Mr. MASSINGALE. I was interested in the gentleman's language in respect to the \$40,000 toilet that the Bureau of the Budget recommended and that the subcommittee cut out.

I am wondering if my colleague from Oklahoma knows whether any of the personnel on that Budget committee ever lived on a farmstead where they have open barns?

Mr. JOHNSON of Oklahoma. The committee did not go into that very important question that my colleague has just raised, but I am of the opinion that had the gentlemen who are handling the Budget had more of the experience that my colleague and I have had in Oklahoma, they would have been a little more sympathetic toward some items of real importance for needy people rather than the frivolous things for which they did not hesitate to grant Budget estimates.

Mr. NELSON. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. NELSON. I was wondering if my colleague, who has made a most helpful explanation, could give us a little further information on the recreational areas. I did not quite get his reply to the query made a while ago.

Mr. JOHNSON of Oklahoma. I am glad the gentleman has raised the question, because I probably did not speak as fully about it as I should, as I did not want to take up all the time. We have a great many requests for time.

The committee was disappointed to find that there was not a Budget estimate for these recreational areas and, as my colleague from Missouri knows, we had orders to bring this bill in below the Budget estimates. By that I mean by the Appropriations Committee. All of us are doing our best to economize in every way possible, but as I was about to say, we have discussed the matter and it is our hope and expectation that there will be Budget estimates for a number of these recreational areas. I will be glad to join my colleague from Missouri in requesting such Budget estimates and will go the limit to get the money for this very worthy project.

Mr. NELSON. In case there are no Budget estimates, is it possible that funds may be found elsewhere?

Mr. JOHNSON of Oklahoma. Yes; it is. Emergency funds, I understand, were used for this purpose last year. As a last resort, if we have no Budget estimate, I favor using some emergency funds, and if we cannot do that I am perfectly willing to take the proverbial bull by the horns

and make the appropriation that this House feels ought to be made. [Applause.] Does that satisfy the gentleman?

Mr. NELSON. It does. Thank you.

BUREAU OF FISHERIES

Mr. JOHNSON of Oklahoma. Next is the Bureau of Fisheries.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I yield myself 10 additional minutes, and I am going to try to finish within this time.

The Bureau of Fisheries is another activity that has been placed under the Interior Department subcommittee. It was formerly under the Department of Commerce. The Budget includes for this purpose \$2,171,360. We are recommending a little over \$2,255,575, which is \$3,825 less than the 1940 appropriation and \$84,215 in excess of the Budget estimates.

One reason for that is the fact that we have made provision for the establishment of three additional fish hatcheries which the Bureau of Fisheries felt was most urgently needed, and the completion of another one. The fact is the Bureau of Fisheries had asked for \$182,500 for this purpose, but the subcommittee decided it could get along this year, at least, with \$75,000.

The remaining increase of \$19,175 is for the scientific personnel of the new vessel *Harvard*, which is to be put into operation about September 1. The Budget made provision for a crew to operate the vessel, but for some reason the scientific personnel and equipment was overlooked in the estimate. Of course, the vessel could be of no value for research purposes without trained personnel to carry on the work.

The bill provides a total of \$1,428,760 for the operation of the activities of the Territories of Alaska, Hawaii, and the Virgin Islands and certain islands in the South Seas. This sum is \$250,200 less than the Budget estimate and \$143,020 more than the 1940 appropriation. The increase in the current appropriation is due to the meeting of the Territorial Legislatures in Alaska and Hawaii, which will cost \$97,000. The expenses of those meetings, which occur biennially, are paid for by the Federal Government in accordance with the basic laws authorizing this expense.

BYRD ANTARCTIC EXPEDITION

We have disallowed the estimate of \$250,000 for the so-called Byrd Antarctic expedition to the South Pole. Since this bill was reported yesterday the newspapers have carried the story that \$250,000 was disallowed, as requested by the Budget, for the so-called Byrd expedition, and judging from the telephone calls I received this morning, evidently a number of people, including some Members of Congress, are under the impression that it is the purpose of this committee to leave the Byrd party stranded high and dry in the Antarctic and refuse to make any provision for their return. [Laughter.]

It is needless for me to say that such an assumption is not only erroneous and fantastic, but is absolutely untrue. No such thought was in the mind of any member of the subcommittee, nor is there any possible animosity in the committee toward Admiral Byrd, whom we all agree is a great explorer. The committee was greatly surprised to learn from those requesting this additional appropriation that it is expected to make this a continuous appropriation. The committee very carefully went into the question of supplies requisitioned and furnished by the Government for the Byrd expedition, and it was found that the Admiral and his party have sufficient, if not abundant, supplies for at least 18 months, which was to be the period of time for this expedition. If additional money or supplies are needed, the Congress can take care of that later on.

I might add here that those appearing before the committee in support of this item almost shocked the committee when they very frankly told us that they would be back next year for another appropriation and possibly the next year

for a fourth appropriation, and that they considered it a permanent matter and that it would be a continuous appropriation. We reminded those who appeared officially for this appropriation that when Admiral Byrd was before our committee personally last year he told the committee that \$340,000 added to the amount he expected to raise personally and, that, with the help he expected to get from various departments of the Government, it would be all that he would ask for. The committee at that time considered the request very carefully and decided that the amount asked for was excessive. It refused to make the appropriation. Then, during the closing days of the last Congress, the amount was placed in a deficiency bill.

Admiral Byrd did raise some money of his own and undoubtedly put some of his own money into this expedition, but the Federal Government was pretty kind to him for it furnished him with the ship *North Star* that had been used in Alaska, and also with the ship the *U. S. S. Bear*, both boats being well adapted and equipped for this special purpose. It has been necessary in this bill to add \$10,000 to repair one of these ships and to add another \$25,000 in order to take care of transportation costs in Alaska where we are now shipping a lot of supplies for the Indian Service by airplane. So the Federal Government has cooperated in a very effective way. As I said a moment ago, Admiral Byrd took with him sufficient supplies to keep his expedition at the South Pole for at least 18 months.

It seems that the committee did not want to take the responsibility of adding another \$250,000 without the Congress itself saying what its policy is going to be. If Congress wants to keep the Byrd expedition at the South Pole from now until the memory of man runs not to the contrary, the committee may not have any serious objection, but we did not feel that it was up to the committee to establish a policy and make an appropriation until Congress itself spoke.

I will place in the RECORD a list of some of the items that Admiral Byrd took along with him. You will find, for instance, that he had a very good supply of 8-day clocks. He had a very good supply of a well-known make of mattresses, enough for 2 years. He had a fine supply of candy, \$1,700 worth. He had a fine supply of soap, as we hear nightly over radio programs. He has 156 dogs and an excellent supply of dog food. Personally, I was glad to see the dogs fed, but I cannot bring myself to believe the feeding of dogs choice meats is as important as feeding millions of hungry people who are clamoring for an opportunity for a livelihood. I will place in the RECORD a list of some of these supplies. In doing so I do not wish or intend to cast any aspersions on Admiral Byrd. As I said, his record as an explorer is well known. But until this Congress speaks and states what it cares to do with reference to keeping the Byrd expedition at the South Pole permanently, for 18 months, or for 2 years, the committee felt it could not take the responsibility of trying to lay down a policy. This we did not feel was within our prerogative.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. MARCANTONIO. In light of the fact that 800,000 W. P. A. workers will be discharged between April 1 and June 30 unless this Congress passes a deficiency bill, I want to congratulate the gentleman for economizing on this appropriation which can aptly be called an appropriation for the relief of penguins in the Antarctic.

Mr. JOHNSON of Oklahoma. I thank the gentleman for his kindly contribution. As I see it, it is not a bad brand of relief for those 156 high-priced and high-powered dogs.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. VAN ZANDT. Would not the gentleman think it well for Admiral Byrd to come back to the United States and explore this country for jobs for the unemployed?

Mr. JOHNSON of Oklahoma. That might be food for thought, but the gentleman probably remembers that Ad-

miral Byrd was a very distinguished charter member of the Economy League, and I do not distinctly recall of his ever having made such explorations.

Mr. VAN ZANDT. That is right, and he was a horizontal admiral.

Mr. JOHNSON of Oklahoma. The following is a list of some of the articles I have just referred to which the Byrd Antarctic Expedition have with them:

Some of the principal items purchased for the Antarctic Expedition for 60 men

1. Mattresses: 60 mattresses, at \$14 each-----	\$840.00
2. Clocks:	
6 alarm clocks, at \$3.50 each-----	\$21.00
2 30-day clocks, at \$22.50-----	45.00
2 clocks, 8-day, at \$11.25-----	22.50
	88.50
3. Matches:	
150 gross-----	128.00
4,000 boxes-----	116.00
28 gross-----	98.00
	342.00
4. Toilet papers, 5,000 rolls. Supplementary order, 2 cases.	
5. Mittens: 1,848 pairs various kinds (buckskin, horsehide, waterproof, all wool)-----	944.29
6. Dogs:	
Purchased, 156-----	\$5,955.00
Transportation to point of departure-----	436.81
Shelter and care-----	1,539.59
180 dog crates, at \$10.37 each-----	1,866.60
	9,798.00

This total does not include food, harness, and miscellaneous items.

There was a requisition for 35 tons of dog food, amounting to \$2,646. However, this amount was canceled and a donation of 35 tons of dog food was made, reducing the food item to \$448.00.

7. Butter: 12,000 pounds were ordered but this amount was protested and we succeeded in reducing it to 10,000 pounds, totaling-----	3,220.00
8. Cigarettes: 5,000 cartons were requisitioned but this was not approved.	
9. Candy was requisitioned amounting to approximately-----	1,722.08
At first this requisition was not approved but after considerable argument and pressure from the expedition's organizers that candy served as food, objection was withdrawn.	
10. Cookies: Requisitions totaling approximately-----	1,535.73
11. Ten electric razors were requisitioned. The requisition was not approved.	
12. Meats were ordered averaging around-----	16,000.00
Provisions were ordered on the basis of having a year's supply in reserve should it be impossible to bring the ice parties out at the end of 18 months. If that fact is not kept in mind, the figures seem enormous and out of all proportion to the needs of 60 men for a year and a half.	

Mr. RICH. Mr. Chairman, I yield 15 minutes to the gentleman from Vermont [Mr. PLUMLEY].

AMOUNT OF \$112,000,000 PLUS \$10,000,000 PROPOSED TO BE ADDED TO THE TAXPAYERS' BURDEN?

Mr. PLUMLEY. Mr. Chairman, Thomas A. Edison, the father of the distinguished Secretary of the Navy, was deservedly known as the Wizard of Menlo Park; but not even he, much less his able son, could make figs grow on thistles, or find money in a depleted Treasury or in the already empty pockets of the overburdened taxpayers. Only the Wizard of Oz could do that. It is, however, reported that my friend the genial Secretary of the Navy served notice last week, according to the papers, that he intends to ask the Senate at this very present session to restore the \$112,000,000 which the House cut from the Navy appropriation bill. It is further indicated that he says if Congress turns down his request he proposes to return with another request at the earliest opportunity. Knowing his tenacity, I would expect this.

What I have to say is solely for the purpose of advising the Members of the House of Representatives that they should take notice and govern themselves accordingly.

What a coincidence! The Navy comes along, under claim of emergency, and asks for an appropriation of many millions with which to build battleships, the plans for which battleships have not even been completed, and the type of which has not been determined, and the keels not laid.

Then the Army comes along, under claim of emergency, and asks for more millions of dollars with which to erect a third lock in the Panama Canal, before the preliminary engineering job is completed, or started, so far as I know, or the location therefor determined, and the while we are spending millions to make bombproof the two existent locks, and the possible date of completion of the proposed lock is 6 years off, or more, and the possibility of the necessity for the acquisition of more territory is undetermined.

DEFENSE PROGRAM INCOMPLETE

The defense program for the Canal is only half finished, if even that may be said to be true. President Roosevelt recently told newspapermen, according to press reports, that—

More guns and planes are needed at the Panama Canal to permit better opportunity to discover any attacking force—from the air or by sea—at a much longer distance from the Canal than ever had been provided heretofore.

He said:

The first thing to do is to finish the present program for anti-aircraft guns and planes. About half the total of each recommended by the Army-Navy Joint Board, or actually authorized, has been delivered so far.

So much for that.

DO WE NEED A THIRD CANAL?

If we need a third canal, and we may; if we must police, protect, and defend Central and South America; what, then, about the possibilities of the Nicaraguan route? We should not permit ourselves to be sworn out of court by a subterfuge. Let us think it over. What is the great hurry, anyway? Why not protect the Panama Canal to the nth power first, as we have started to do? To do that first would be sensible and certainly justifiable, it seems to me.

WHERE IS THE \$112,000,000 COMING FROM?

So they are coming back for \$112,000,000. Do not forget that; but that is not all.

Have you noticed that they are not satisfied with the amount which the House appropriated for experimental research covering lighter-than-air ships? Well, they are not, if the newspaper reports are to be believed, but are going to ask for \$3,500,000 now, which they emphasize, and at once, as they say. According to press reports the Navy Department policy involves a 5-year plan which includes and recommends not only that one \$3,500,000 dirigible be constructed at once, but asks for two big dirigibles.

ONE HUNDRED AND TWELVE MILLION, PLUS TEN MILLION IS A LOT OF MONEY

If reports are to be believed, the 5-year program contemplates an expenditure of the taxpayers' money to the extent of a minimum of \$10,000,000.

If the set-up which I have seen is correct, and I take my information from the newspaper accounts which I have read, a break-down of the proposed 5-year budget shows that next year \$350,000 would be spent on blimp construction and \$250,000 for rigid ships. An additional \$350,000 would be spent for maintenance and operations, bringing the total cost to \$950,000 for the first year's operation of the plan. Think that over.

In 1942 the costs would be nearly tripled and include expenditures of \$300,000 for experimental prototype construction and \$100,000 for additional shore facilities. Rigid airship construction costs would be raised to \$1,500,000 and the blimp costs would be nearly doubled. What about that?

The third year of the program would reach the peak in expenditures, \$3,200,000, with more money going into rigid ships. The last 2 years of the program would be leveled off approximately at \$1,500,000. "Leveled off" is good; that is what they do to a grave.

NAVIGABLE BALLOONS

Now, all I have to say is that those who have patent rights, rubber, and other materials to sell may have been able to convince some people that we should spend these millions for navigable balloons, but I am still of the opinion, as between the devil and the deep sea, that we can waste the money of the taxpayer less disadvantageously to him along other lines also superinduced by the use of gas and "hot air."

Dirigibles or not, I have yet to be shown that the valuable use to which they might be put is sufficiently valuable to justify the expense involved in their construction, taking into consideration their vulnerability and probable short life, while and if in use, and the fact that, admittedly, substantially all that can be done with them as an instrument of warfare can be accomplished by modern airplanes designed for such use, if in the hands of men trained for a specific purpose.

Lord God of Hosts, be with us yet lest we forget—
The Macon, the Akron, and the Shenandoah.

BATTLESHIPS AGAIN

One word more about the battleships. Do you know, speaking to you in strict congressional confidence, I would feel a great deal better about appropriating money for building them if the Navy line and staff would forget their feud, submerge their rankling jealousies, get together, and agree on a type and on plans and specifications on which to build a ship free from serious errors in design and construction; one that they would guarantee not to be topheavy; one that would not tip over or turn over in a choppy sea; one that I would dare to ride in, shall we say, on a shake-down cruise on the Tidal Basin if the tide were coming in.

There is no "impenetrable opacity" of the aura—as they say in Japan—surrounding the Navy Department, nor in fact around any man, group of men, or department of government in the United States as to make loyal and patriotic Americans stand in indubitable awe of anybody or to permit themselves to be dominated by or dictated to in their thinking by an ukase issuing from the throne.

The only earthly throne an American citizen recognizes is his own doorstep, on and from which he feels perfectly competent to defy everybody and anybody who undertakes to order him around or tries to do his thinking for him.

He proposes to maintain that privilege and to insist upon such prerogatives, and in so doing he will endeavor to see to it that no part or department or bureau of his Government ever gets the mistaken notion into its head that it is bigger than the whole.

A LAYMAN'S NOTION

Of course, this is just a layman's notion, but it is your money and my money that they wish and intend to spend, if I may be so bold as to suggest the fact. I still have to be shown. [Applause.]

Mr. RICH. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, I received a very encouraging annual report this morning, which I want to offer for the consideration of the House and which I ask that the Clerk read out of my time.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The Clerk read as follows:

ANNUAL REPORT

To our stockholders: Your officers are glad to report business over the past year has been vastly improved; in fact, we almost broke even.

We feel that much of the company's success during 1939 was due to a more vigorous policy of trying to make the best of it all. It has been the custom of the company officers to worry too much. Under the new policy 70 percent of our officers have cut their fretting down 86½ percent for the fiscal year.

Your company was able to get a little more work done around the plant in 1939 by naming six vice presidents in charge of visits from tax agents, thus saving the higher executives a major amount of time. We built a new wing on the factory in which all data, facts, figures, reports, explanations, and apologies demanded by the Government may be prepared and turned out. This plant is capable of answering 50,000 inquiries from Washington per week. Plans are being drawn for an annex in which all summonses to congressional probes can be received, filed, and cataloged without confusion.

The company has also appointed a vice president in charge of nervousness, a vice president in charge of apprehension, and two vice presidents in charge of grave misgivings.

Our cash position is strong, due to a new system of loose-leaf, loose-thinking, and loose-figuring bookkeeping, now quite the rage. We think this means a lot of good clean fun until we change auditors.

Getting down to figures, our losses for 1939 were \$1,358,456, as against \$2,567,823 for 1938. This makes it a banner year.

Summary: The general outlook is good. Car loadings are doing nicely. Boat loadings are firm; auto loadings are improving. Bicycle loadings are not to be sneezed at. Our stockholders will be glad to hear that after suspending the custom over the lean years, we have decided to renew distribution of art calendars to all stockholders.

Please notify the company of any change of address, so that you may be kept in touch with all bad news.

Mr. RICH. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. EDWIN A. HALL].

Mr. EDWIN A. HALL. Mr. Chairman, yesterday I introduced two resolutions, one of which would prohibit any person seeking a third term as President of the United States, and the other precluding such individual from drawing any salary in that third term. At that time it was pointed out that I should not have injected partisanship into the discussion, but may I say to the Committee that I had nothing to do with the injection of partisanship into the matter. As a matter of fact that issue came from the other side of the House.

When I presented these resolutions I did not have in mind partisan politics any more than a discussion of foreign problems and for this reason I will point out to the gentleman from New York [Mr. FITZPATRICK], for whom I have a great deal of respect and regard, that at least one of the members who voted in the New York State Legislature for the resolution about which I spoke yesterday was a Democrat. I believe I am correct when I say that Senator McNaboe is a Democrat.

Mr. FITZPATRICK. Will the gentleman yield?

Mr. EDWIN A. HALL. I yield to the gentleman from New York.

Mr. FITZPATRICK. He introduced the bill, but is the gentleman sure he voted for it?

Mr. EDWIN A. HALL. It does not seem to me there is any point in his introducing such a resolution if he did not vote for it. I would be loath to introduce any legislation in any body that I did not vote for afterward. Further, I will tell the gentleman that I did not introduce the legislation at anybody's wishes except my own.

Mr. FITZPATRICK. Will the gentleman yield?

Mr. EDWIN A. HALL. I will be glad to yield for a question.

Mr. FITZPATRICK. I do not know whether I can cover the entire situation.

Mr. EDWIN A. HALL. I yielded for a question only.

Mr. FITZPATRICK. I asked the gentleman if he was requested by anybody to introduce the resolution, because other Members of the delegation have been asked to do so.

Mr. EDWIN A. HALL. I was not requested to introduce it by anyone. I hope that answers the gentleman's question, and I would appreciate the opportunity of being able to continue with my statement.

Mr. RICH. Will the gentleman yield for a question?

Mr. EDWIN A. HALL. I yield to the gentleman from Pennsylvania.

Mr. RICH. If anybody had asked me to introduce such a resolution in the House, I would be tickled to death to do it.

Mr. EDWIN A. HALL. I would be, too, if I had been asked to do so, but I was not.

I was somewhat nonplused when the gentleman stated he could not understand why partisan politics were injected into this matter. My resolution provides that two-thirds of this body will first have to approve of an amendment to be submitted to the people of the United States. I can well understand now, after I heard a certain radio talk last night in which it was stated that the third-term issue was creating a disturbance in the Democratic Party's ranks, why the gentleman brought up the subject. There was a certain poll taken among 1,300 Democratic county chairmen throughout the country and 52 percent only were in favor of a third term. That is all I am going to say about the third-term issue as far as partisan politics are concerned. I can readily understand why the gentleman would have so much apprehension over a vote being taken on the floor of this House in reference to that matter if only 52 percent of the party faithful are in favor of a third term.

Mr. FITZPATRICK. Will the gentleman yield?

Mr. EDWIN A. HALL. I yield to the gentleman from New York.

Mr. FITZPATRICK. I noticed in the morning paper that the members of the State Senate and Assembly of the State of New Jersey, the Republicans, also advocated this. There were no politics in that, I suppose?

Mr. EDWIN A. HALL. That, of course, was not of my doing.

I submitted the resolution to this body in a purely non-partisan attitude and I shall continue to take that position.

Mr. GIFFORD. Will the gentleman yield?

Mr. EDWIN A. HALL. I yield to the gentleman from Massachusetts.

Mr. GIFFORD. Many of us have thought this over very seriously. It is a matter of very great grief and apprehension on the part of the Democratic Party. I want to be content with expressing my sincere sympathy. The Democrats are suffering torture over this question. You see them struggling over it every day. As a Republican, I simply say, "You have my sincere sympathy, it is an awful mess you are in."

Mr. EDWIN A. HALL. Mr. Chairman, I was prompted to present these resolutions yesterday by the firm, just stand taken by the Father of Our Country, George Washington, when he made his farewell address, wherein he stated he felt he should not place himself in the way of anyone who wanted to succeed him in that great office. I believe I am correct in stating that George Washington at that time stood out as one of the most powerful men that the world had ever known. He had served his country in both war and peace. He had generated the armies of revolution through to unbelievable success and victory. At the end of the war he assumed the highest office that our people can give to an individual, that of President of the United States. During his 8 years as President he had firmly established himself and since he had risen to such heights so far as prestige was concerned, he could have almost become a dictator, but he chose the more sensible, the more sane course. He chose to retire at the height of his glory rather than let any shadow be cast upon the wonderful record he had made in public life.

So in conclusion, after urging this body stringently and urgently to adopt my resolutions, not only in the face of possible present circumstances, but also to preclude any future happenings of the same kind, may I say that I should like to see these resolutions reported favorably, passed by this House, and sent to the Senate for approval. [Applause.]

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, it seems to me it depends on whose ox is being gored. It was not so long ago that in the Senate of the United States, during the administration of Calvin Coolidge, a resolution was introduced against a third term by Senator ROBERT LA FOLLETTE, and it passed by an overwhelming vote, including the votes of most of the Democrats in the Senate and most of the southern Democrats.

Now, they say this is a partisan Republican issue, because a Republican, a new Member, makes an able and fair and what I thought was a very nonpartisan speech opposing the third term. Of course, the Democrats would like to wipe out the record now. They would like to wipe out that vote they cast only 12 years ago against the third term. I am not a mind reader, and we do not actually know whether President Roosevelt is going to be a candidate or not, but if he is a candidate the third term immediately becomes the biggest single issue. The people back home are vitally interested, not alone Republicans, but those Jeffersonian and constitutional Democrats, who number at least one-third of the Democratic Party today. I do not know whether they will go along on this issue or not, but I know it is going to worry them from one end of the country to the other. These Jeffersonian Democrats know that if there should be a third term, why not a fourth and even a fifth?

I am not so concerned about what George Washington said or did, but I should think the Democrats should be vitally concerned in what Thomas Jefferson, Madison, and Monroe, and Jackson had to say about a third term. They all refused a third term because they thought, and thought rightly, that a third term would be the beginning of a dictatorship in the United States. They refused a third term because they were Democrats, because they believed in our free institutions, and were opposed to any one man's holding office for 12 years or more. They contended that there would be always at least one man in America who could serve the people in the White House, and therefore refused a third term. Naturally such Democrats and those who believe in Jeffersonian democracy are opposed to a third term that violates the spirit of our traditions and free institutions. [Applause.]

[Here the gavel fell.]

Mr. FITZPATRICK. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama [Mr. PATRICK].

Mr. PATRICK. Mr. Chairman, I do not believe we ought to get excited about this question or the resolution offered by the gentleman from New York. Of course, it is concerning nothing more than a tradition. It is a matter upon which the people in the United States vote. There is no law upon it. It seems to me that it is a little bit on the innocuous side for the lawmakers to be resolving on this question at all. Regardless of what we resolve, as Æsop asked in his fable, "Who is to bell the cat?"

There is also a sort of tradition regarding the President of this country, that whenever a man in his administration as chief does well by the folks and does right by little Nell, all down the line, we give him two terms. This is a sort of tradition in the United States. It just did not happen the last time before the present administration. We had to smack down the gentleman and his administration and knock him out of a second term. So why could not we on this occasion balance the books by having three terms this time, and that will just set it even, and then the United States, this great democracy, can go on forward as far as it likes in the centuries to come and we will have everything on the present schedule settled? We will have three terms credited to this administration and only one to that preceding it, but it will balance the thing up and we then will be on an even keel.

Further, it seems to me a rather interesting proposition that since this is a democracy, and since the third-term question is not covered by a law, since it is not in the Constitution or anything else, we may just let the folks decide. They like to decide things like this for themselves. They are funny that way. There are two things by which they may decide. First, if the man who is presently at the head of the administration chooses to run. We have had men who did not choose to run after the first term when they saw they were mucked up and had accumulated too many problems to carry through. So tradition also says that if a man does not wish to run for a second term he does not have to. He may say, "I do not choose to run." But if a man who is standing at the head of the Government of the United States as its Chief Executive desires to run for a third term, why, there is no law against it, and it may be a pretty good idea to let him do it. And if the general run of the folks, the most of them, want to vote him in, it is a pretty good idea to let them vote for him if they wish to do so, and if they think it is for the best they will be pretty likely to do it. [Applause.]

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Chairman, the gentleman from Alabama [Mr. PATRICK] has about the same idea about the occupancy of the White House that the administration has about balancing the Budget. I noticed in those figures that went into the RECORD yesterday that this administration had spent as much money, or rather, had created as great a deficit in the 8 years, or will have according to the estimates, as our other Presidents created in 144 years and 6 months. The total deficits of all previous administrations was given as a

little more than twenty and one-half billion while President Roosevelt's administration will give us a deficit of more than twenty-five and one-half billion. You would not want three terms after a twenty-five and one-half billion dollar deficit in two would you? Are you going to keep on in the same way for the third one? If two terms give us a twenty-five and one-half billion dollar deficit will three terms of Roosevelt give us a thirty-seven and three-quarter billion deficit? We have had aplenty of the quack remedies.

Then it was hardly the fair thing to ask the gentleman from New York [Mr. EDWIN A. HALL] as to who asked him to introduce the anti-third-term resolution. On the other hand, we on the minority might ask you of the majority who has been doing your business? Who has been asking you to introduce bills? Has Tommy the "Cork," or Cohen the "Sailor," been furnishing you ideas and preparing legislation for the last 7 years? You tell me of one major bill that the Representatives on the majority side have originated and drafted and put through in the last 8 years.

Mr. McCORMACK. If the gentleman will yield, I will name one—the social-security law was drafted entirely by the members of the Ways and Means Committee on both sides.

Mr. HOFFMAN. Had never been thought of before?

Mr. McCORMACK. Then the gentleman is getting some information.

Mr. HOFFMAN. Fine. I always learn something from the gentleman from Massachusetts. I suppose I should thank him for the major part of my education, if I have any, and I recall that in that bill you created a fund, a great, big surplus, which was to be held as a reserve fund, and then you went ahead and spent it for current expenses. Now, was not that fine? If it had been an individual who had used administration or trust funds for a purpose for which it was not proper to use them he would have been sent to the penitentiary, but the majority, or the officials representing the majority, can spend money that was collected from employers and employees and laid aside in a reserve, trust fund—for current expenses. Now, think of that. What a crooked thing it is to take away from future beneficiaries and use funds collected for a specific purpose. If it was an individual it would be different, he would be sent to jail for embezzlement, but for these officials, naturally, it is all right, is it?

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. Not until I finish this statement.

I say what a reprehensible thing it is to take the funds of employee and employer collected for the aged and unfortunate and use them for such a purpose.

Mr. McCORMACK. You ask the question, do you yield?

Mr. HOFFMAN. I am telling you what a reprehensible thing it is to do that kind of a trick and to so misuse trust money.

Mr. McCORMACK. Does the gentleman decline to yield?

Mr. HOFFMAN. What do you want?

Mr. McCORMACK. Does the gentleman yield?

Mr. HOFFMAN. For what purpose?

Mr. McCORMACK. Will the gentleman yield to me for a question?

Mr. HOFFMAN. To continue my education, I presume. Well, go ahead.

Mr. McCORMACK. The gentleman at the outset said—

Mr. HOFFMAN. Do not make a speech, will you?

Mr. McCORMACK. Now, the gentleman has yielded—

Mr. HOFFMAN. Yes; but just temporarily, not permanently. [Laughter.] This emergency is only a temporary emergency, this does not run on and on like the synthetic emergencies created by the President to cover his successive blunders.

Mr. McCORMACK. The gentleman from Massachusetts is usually not guilty of the habits of the gentleman from Michigan.

Mr. HOFFMAN. You do not mean that, do you? What habits do you mean? Drinking, gambling, or what? I do neither.

Mr. McCORMACK. I do not know what the gentleman's habits are.

Mr. HOFFMAN. Then how do you know what you are not guilty of? [Laughter.]

Mr. McCORMACK. I know the gentleman's legislative habits.

Mr. HOFFMAN. You might well follow them. Are you going to sign that petition when it comes up on your side, to bring out the Wagner law for amendment?

Mr. McCORMACK. Are you asking me questions or am I asking you?

Mr. HOFFMAN. I was.

Mr. McCORMACK. The gentleman stated that he did not know of one bill—

Mr. HOFFMAN. You answered me on that.

Mr. McCORMACK. Yes; and then the gentleman, with his usual ingenuity, which is very clear to those who can follow the gentleman's reasoning, proceeded to argue on the bill itself. Some other time I would be glad to discuss the social security bill with the gentleman from Michigan, but when he states that the fund was used in the manner stated, the gentleman makes a misstatement.

Mr. HOFFMAN. Oh, no; nearly every one on the floor who contradicts any statement you make is in error according to your theory. Now, I cannot agree with you. Practically everyone in the country knows that that fund was used and has been used—it is not down there, is it?—the Government used it and put its IOU's in place of the money, did it not, to pay current expenses of the Government?

Mr. McCORMACK. The gentleman knows I have not been educating him—

Mr. HOFFMAN. I do not yield any more. Of course, I could not teach you anything.

The gentleman from New York [Mr. EDWIN A. HALL] was asked about who requested him to introduce that resolution. I might return the courtesy by asking who suggested the Government's silver policy under which, for several years, we have been buying silver from Mexico at a price in excess of the market price or the world price while letting them steal the oil property of our citizens down there.

Who suggested the policy of buying gold from Russia at a price higher than the world market price, and letting the Russians buy munitions here to destroy the Finns? That did not come from any Republican politician. Did someone on the majority side suggest those two policies? Who claims to be the proud father of those twins? Who was it suggested at the beginning of this administration that the Government should lessen the purchasing power of the bonds that it had sold to the people in America by devaluing the gold content of the dollar? Who suggested that—robbing the widows and the bondholders?

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. Not now.

Mr. FITZPATRICK. The gentleman mentioned my name—that is, he referred to the gentleman from New York.

Mr. HOFFMAN. Very well. I yield for a question, not for a speech.

Mr. FITZPATRICK. What is the purchasing power of the dollar today compared with what it was in 1928 and 1929 in the United States?

Mr. HOFFMAN. You cannot buy as much with it now, of practically anything, as then. If you can it is because the farmer's market—driven down the prices of the things he sells—but raised the prices of the things he buys.

Mr. FITZPATRICK. Oh, it is 20 percent more, and the gentleman knows it.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. Yes.

Mr. SCHAFER of Wisconsin. Under the New Deal gold and silver sell-out policies, the purchasing power of the foreigners' dollar is more than 125 percent of what it was in 1928 and 1929.

Mr. HOFFMAN. I commend that statement to the consideration of the gentleman from New York. Who was it suggested to the majority side the misuse of the money appropriated for relief? It will be remembered that when the Hatch bill was under consideration in the Senate, Senator BARKLEY opposed the enactment of those provisions under consideration at that time, which would have prohibited the use of Federal money for political purposes. Who was it who suggested, and who was it brought about the spending of relief funds—a wonderfully fine thing it was for the majority party, to ask for appropriations of money to buy food and clothing, and what kind of a trick was it to turn around and use that money to buy votes? Look at the statement Senator GLASS of Virginia made on the floor of the Senate, and you will find it in the proceedings of the 24th day of June 1937, when he said that the last election was bought. I quote the Senator from Virginia, CONGRESSIONAL RECORD, page 6284:

The last election was carried by people who were getting favors from the Government, people who were subsidized by the Government, people who were on relief rolls.

Now I ask you, do you intend to buy this one? Is that the reason for the opposition to the Hatch bill? Are you going to buy a third term for a President who will give us a \$25,000,000,000 deficit in two terms? Is that what you are getting at? Oh, many things have been suggested by someone other than the Members on the majority side. I do not know of anyone, in my short experience in the House, who could have thought of those things—that is, among the majority Members, who would be so lacking in consideration of our national welfare as to think of doing the things to which I have referred. But someone must have suggested them. Someone who wanted to "make over" America.

We might go on down the list. Who suggested the appointment of the members of the Labor Board? Was that some Member of the majority side? Subsequent events indicate it was John L. Lewis who suggested that, and that the appointment of some Board members was a partial payment on his \$470,000 contribution to the New Deal campaign fund. Now, John is kicking because he says that your leader did not deliver in full. John's dollar has been devalued; he thinks and charges that you have taken away a part of the purchasing power of his contribution, and he says now that he is not getting out of the Labor Board all that he ought to have.

What are you going to suggest next? May I be permitted to make one suggestion? It is that we get rid of that Labor Board, which, even John says now, is not so hot, and that the A. F. of L. said is really rotten, and that most people say steps clear outside of its sphere, and, as one court has said, assumes not only to be prosecutor, jury, and judge, but investigator, prosecutor, jury, judge, and executioner. I leave that as one suggestion that a Republican whose education has not yet been completed by the instruction of the gentleman from Massachusetts [Mr. McCORMACK] has to offer. [Applause.]

Mr. RICH. Mr. Chairman, I yield 10 minutes to the gentleman from Oregon [Mr. ANGELL].

BONNEVILLE PROJECT SELF-SUPPORTING, PROFITABLE VENTURE

Mr. ANGELL. Mr. Chairman, I have requested this time to talk briefly about the Bonneville project, which is one of the items included in the bill pending before us. This particular item has to do with the appropriation for maintenance and extension of the transmission line. The Bonneville project initially is a river development for navigation, and in that development there has come about a further development of hydroelectric power, and this particular feature of the bill before us has to do with that part of the undertaking. There are 10 units included in the hydroelectric development. Two have been already completed and are in operation. These 2 will produce some 86,400 kilowatt-hours. Two additional units are in the process of construction and will be completed in 1941, and an additional 2 units for which funds have been provided will be ready for operation in 1942, which will make 6 units out of the total of 10. This appropriation carries

\$650,000 for maintenance and operation, that is, carrying on the project as a commercial venture, which is done under the Department of the Interior through the Administrator, Dr. Raver.

The War Department, through the Corps of Engineers, has the job of building the dams and building these works, but its operation and the erection of the transmission lines, and the disposal of the excess hydroelectric power that is developed, is carried on through the Department of the Interior, and for that reason the bill before us, for the Interior Department, carries these items.

In addition to the \$650,000 for maintenance and operation, there is an allowance of \$5,000,000 for continuing construction of the transmission lines. That is a reduction of \$1,000,000 from the amount carried in the Budget, as I understand it, but that sum of \$3,000,000 of unexpended prior appropriations which are allocated will permit the continuation of the transmission development for the coming year, and will provide \$8,000,000 for that purpose, with the \$5,000,000 included in this bill. Some projected transmission lines will have to be delayed by reason of the cut.

Some have criticized the project, saying that it is being built ahead of the necessity for its development, the demand for power; they claim that we are producing electrical energy at Bonneville in excess of the requirements of the territory served. I want to take issue with that contention. This project is in my district on the Oregon side of the Columbia River, and I am quite familiar with it. In fact, I was familiar with it before I came here, although I have had no official connection with it in any way and am not interested in it other than as a Representative from that district. But the figures do disclose to me definitely that the demand for electrical energy at this plant will more than take up the energy that is produced if we continue the process of development as provided for by these plans and as recommended by the Corps of Army Engineers.

There are 119 applications for power at the present time, totaling 643,489 kilowatts. Those have already been received by the administrator of the project. Of those 119 applications, 42 are from public-utility districts, 16 from municipalities, 29 from Rural Electrification Administration cooperatives, 21 from drainage districts. Public applications total 108, representing 446,529 kilowatts.

Applications have also been received from 6 private utilities, totaling 66,900 kilowatts; 5 from industries, totaling 130,060 kilowatts. When you consider that the 2 units now in operation produce only 86,400 kilowatts and the additional 2 units which will be in production next year will produce, with the 2 in operation, only 194,000 kilowatts, and that all 6 which are now provided for will produce only 300,000 kilowatts, I think it is clearly evident that the demands for electrical energy in the district far exceed the capacity to produce.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. ANGELL. I am glad to yield to my colleague the former Governor of Oregon.

Mr. PIERCE. Is it not true that the demand for electricity depends entirely on the price?

Mr. ANGELL. That is true.

Mr. PIERCE. If the price is low enough, it is used extensively, not only for industries but for lighting and heating and in all other industrial pursuits. If the price is high, then the quantity used is low. In the city from which the gentleman comes—Portland—the use per meter is, I think, now about 1,200 kilowatt-hours. In Tacoma it is 1,600; Winnipeg, right at 5,000 per installed meter. It is the price.

Mr. ANGELL. The observations of my distinguished friend from Oregon are correct.

Now, we have a double purpose to serve in this development. One is to serve the outlying communities as well as those adjoining; that is, the farming communities, small cooperatives, little industries, small towns throughout the area served, and the other purpose is to develop industrial enterprises. We are making a very fine advance in the development of industrial enterprises. The Aluminum Co. of America is now installing a plant at Vancouver, just across the river from Port-

land, which has already entered into a contract with the Administrator, which will consume, during the life of the contract, sufficient energy to pay to the Federal Government some \$10,000,000 for electrical energy. Just recently another concern has contracted with the Administrator for a large block of power running over a long period, in the development of an iron-producing project in the same vicinity. A great many other similar organizations are considering coming into that district. Those are not plants which are now operating in some other district which will be discontinued, some district belonging to you gentlemen, but they are new developments in addition to what is already in operation, attempting by these developments in the Northwest to supply some of the demands for manufactured products in that particular district. We have large deposits of natural resources for development with cheap electrical power, which are available to be used in many of these new enterprises that are seeking a home in the vicinity of this project. It is unquestionably true that as fast as these additional power units which are provided for under this program are completed, the electrical energy produced will not only be needed but there will be no place to secure it elsewhere unless these projects are completed.

Some have said that many of these transmission lines are duplications of existing lines. I have given that a great deal of study. I have gone over the district myself. I have asked for reports from the Administrator and his staff as to whether or not there are any duplications of existing lines provided by the funds which you have authorized for transmission lines. I am advised and I state on my own judgment that there are not. These transmission lines supply transmission service for this energy developed at Bonneville that are not now available. There are no facilities available for passing this energy from the place of production at the plant out into the field unless we have transmission lines. These funds will supply that need and put the generators to work as fast as they shall be completed. This will make possible financial returns on the large investment the Government has made in this project.

Unfortunately, when we met last year the Bonneville project was completed insofar as the two units were concerned, but Congress had made no provision for transmission lines to market the energy produced, and we were caught in a position where we had a large investment, where we had the turbines ready to turn to produce electricity, where we had a demand in the field from the consumer for the electricity, but we had no transmission line over which to carry it from the point of production to the point of use. This has been remedied to some extent, for on the 1st of December of last year the main transmission line running from the plant to Vancouver and Portland was energized, and immediately the electric energy was turned in to industry and private use. [Applause.]

Mr. Chairman, the river development project at Bonneville, between Oregon and Washington, is no longer in the experimental stage. It is now in operation and has proven itself to be feasible, and I am certain is demonstrating that it will be a self-supporting venture and a profitable undertaking.

Work was begun on September 30, 1933, under the provisions of the National Industrial Recovery Act, the project being formally authorized in the Rivers and Harbors Act, approved August 30, 1935. The project is located 40 miles east of Portland and includes a dam, powerhouse, ship lock, and fishways. The purpose of the project is for the improvement of the Columbia River, for water transportation and utilization of hydroelectrical power made available by reason of this improvement.

The plans call for 10 units in the power project. Two of these are now completed and in operation under the direction of the Secretary of War and under the supervision of the Chief of Engineers of the United States Army.

At the last session of Congress, when appropriations were under consideration for carrying on the work of this project, no transmission lines had been completed, so that it was impossible to market the electrical energy that was then available from the first two units. The transmission line between Bonneville and Portland was energized on December 1,

1939, and delivery of power began on that date to the Portland General Electric Co.

The line to Eugene is now completed, or practically so, and other lines will be completed during the calendar year 1940.

Administrator Ross, who had charge of the marketing of power, died on March 14, 1939, and until September 16 his place had not been filled with a permanent administrator, which resulted in considerable delay in long-time planning.

Contracts already entered into and now under negotiation will absorb the entire capacity of the first two units of the project. A contract has been made with the Aluminum Co. of America, calling for the delivery of 32,500 kilowatts of prime power at \$17.50, and a contract with an iron manufacturing company which will take a large additional allotment of prime power. These, together with the contracts made with public utilities districts, private utilities, and municipalities, as shown by the report of the Administrator, Dr. Raver, will afford a market for all of the power available under present plant capacity.

In discussing this subject last year in the Congress, I called attention to the fact that steam-plant capacity in the Northwest area contiguous to Bonneville amounted to 370,000 kilowatts, or 71 percent of the ultimate capacity of Bonneville, and that by 1945 about 400,000 kilowatts of the then-existing plant capacity would, because of age, be removed. During December of last year private utilities serving Portland used as high as 79,000 kilowatts, or 91 percent of the present capacity, which demonstrates that there is a market for this displacing power.

The Annual Report of the Bonneville Project shows that prime load immediately in sight through applications, contracts under negotiation, or contracts executed will total about 177,000 kilowatts in the fiscal year 1941, and 232,000 kilowatts in the fiscal year 1942. Present schedules for machine installation show that only 86,400 kilowatts will be available until the latter part of the fiscal year 1941. This available capacity will not be sufficient to meet actual demands under existing contracts and those in process of execution—in fact, will only be about one-half of the estimated requirement.

The transmission lines now having been in part completed and many trunk lines nearing completion necessitates additional funds for operation, which accounts for the increased budget submitted this year. Operation under Dr. Raver, Administrator, is proceeding satisfactorily, and he is showing remarkable progress in securing contracts, not only with public-utility districts and municipalities, but with private utilities and manufacturing enterprises, which will, I am sure, furnish a market for all of the available power which Bonneville will produce.

LOW RATES TO CONSUMERS

Mr. Chairman, as a result of the energizing of the transmission line to Portland, the city of Portland on October 15, 1939, put into effect a rate reduction which Administrator Raver states is approximately 20 percent.

The organic act provides that 50 percent of Bonneville power shall be reserved until 1942 for public business and agencies. It is the underlying policy of the law that the lowest possible rates to consumers shall be established. This is for the purpose of protecting domestic users, farmers, and the small user throughout the entire territory. It also contemplates furnishing the lowest commercial rates for industrial enterprises consistent with the profitable operation of the project.

NORTHWEST AREA ABOUNDS WITH A WEALTH OF UNDEVELOPED RESOURCES

Mr. Chairman, the whole Northwest territory contiguous to the Bonneville and Grand Coulee projects is a region of very great natural resources awaiting development. We have large areas of highly developed agricultural land, much of it under irrigation, and our great need is for markets. Much of the raw material, through manufacturing and processing, may be utilized and markets found for it through utilization of the electrical energy afforded by these two great Federal projects. Over 50 percent of the pay rolls of Oregon come from the forest industry. The major portion of forest prod-

ucts are sold in the raw state. Much of it, through manufacturing, could be utilized at the place of origin, thus not only affording a market for the production but also pay rolls, and thereby a market for much of our agricultural crops. In the Northwest States of Oregon, Washington, Idaho, and Montana there are immense deposits of strategic materials which our Government is in need of, not only in war times but in peace as well. Included, among others, are manganese, mercury, chromite, aluminum ores, in addition to many others. The reduction of these ores and the utilization in manufactured products or in processing requires large volumes of cheap electrical energy which can be furnished in the vicinity of these projects at the very lowest possible cost. The scientific developments which have been and are now taking place through the study of chemistry and the application of chemistry to farm products will afford an outlet, not only for the agricultural and other products of this region but also give a market for the power produced. Studies made by the Federal Power Commission indicate that the requirements of electrochemical and electrometallurgical industries have been increasing at a rate somewhat greater than that of general industrial activities, and the Commission estimates that these extraordinary requirements will be increased in 1940 by approximately 33 percent over 1936. These developments will call for large blocks of electrical energy.

INCREASED DEMAND FOR ELECTRIC ENERGY AND SAVINGS IN COSTS MADE

The Nineteenth Annual Report of the Federal Power Commission, 1939, shows that rate reductions for electric energy averaged forty-six and one-half million dollars annually in the 3½-year period from July 1, 1934, to December 31, 1937, and that the production of electric energy reached an all-time high in 1939. I desire to quote briefly from this report:

The total savings resulting from electric-rate reductions for the 3½-year period from July 1, 1934, to December 31, 1937, it was estimated, amounted to \$162,761,490, an average of \$46,500,000 per year. These figures represent merely a total of the separate annual savings based on average consumption per customer for periods prior to rate changes as reported by utilities, and as such do not reflect a cumulative total of all savings given—do not include savings on increases in the average consumption per customer which usually follow a rate reduction.

The savings to the customers of privately owned utilities for all services during the period, it is noteworthy, equaled 6.4 percent of the estimated total revenues of such utilities in 1934, as against 5.1 percent in the case of the publicly owned system. Though privately owned utilities in nearly all instances reduced their average typical bills more than publicly owned systems, the average typical bills of publicly owned utilities, as has already been noted, remain generally below those of privately owned utilities.

Production of electric energy for public use for the 12 months ending October 31, 1939, reached 125,437,000,000 kilowatt-hours—far exceeding the highest previous annual total of 119,224,000,000 kilowatt-hours recorded in 1937.

In reporting that production in 1938 was 4 percent less than the output recorded in 1937, the Commission, in its comprehensive report entitled "Electric Power Statistics, 1938," published in May of 1939, pointed out that the last 8 months of 1938 had witnessed a steady upward trend in electric production, the output for December 1938 being at that time the largest for any month of record, totaling 10,882,094,000 kilowatt-hours.

BONNEVILLE'S RECORD—INSTALLED CAPACITY AND PLANT-COMPLETION SCHEDULE

Mr. Chairman, two generating units are installed and operating. This represents a total capacity of 86,400 kilowatts. These two units have been designated No. 1 and No. 2. Funds to install and complete units 3, 4, 5, and 6 have been provided, save the \$800,000 item which passed the House recently. The second step of the program planned by the Army engineers contemplates that units 3 and 4 will be ready for service by June 1941. At that time the installed capacity will be 194,400 kilowatts. The Administrator anticipates that he will be crowded for capacity by that time and has requested the Army engineers to accelerate completion of units 3 and 4 so as to have them ready for service by January 1, 1941.

Units 5 and 6 are scheduled for completion about June 1, 1942. When units 5 and 6 are completed, the plant's installed capacity will be 300,000 kilowatts.

Units 5 and 6 will be subject to shut-down when the foundations for units 7 to 10 inclusive are installed. Shutting down units 5 and 6 during such a construction period will give the

plant a firm available capacity equal to the sum of the first four units or 194,400 kilowatts.

With the installation of units 7 and 8, the plant's capacity will be 410,000 kilowatts. If funds were provided this year the earliest completion date for units 7 and 8 would be June 1, 1943.

When units 9 and 10 are completed, the plant's capacity will be 518,400 kilowatts. If funds were provided this year for initial work the earliest completion date for units 9 and 10 would be June 1944. The lack of provision for units 7 to 10 inclusive will delay this program possibly 1 or 2 years beyond the dates given.

POWER SALES PROGRESS

One hundred and nineteen applications for power, totaling 643,439 kilowatts, have been received by the Administrator of the Bonneville Project. Of these 119 applications, 42 are from public-utility districts, 16 from municipalities, 29 from R. E. A. cooperatives, and 21 from drainage districts. Public applications total 108 and represent 446,529 kilowatts. Applications have also been received from 6 private utilities totaling 66,900 kilowatts. Five from industries totaling 130,060 kilowatts have filed power applications.

Thirty-nine applications, totaling 92,671 kilowatts, are ready for service connections. Feasibility reports have been completed on 24 applications, totaling 128,521 kilowatts, and 21 contracts, totaling 77,710 kilowatts, have been submitted. Thirteen contracts have been executed, totaling 59,110 kilowatts. All of this information on applications and contracts cover prime power only. In addition, the project has authority to sell dump power, which is power subject to recall to satisfy firm contracts. This power under filed tariffs sells for 2½ mills per kilowatt-hour, which is below the bare fuel costs of existing steam plants in the Bonneville area. Contracts have been executed with the private utilities to furnish dump power, and the Portland companies have taken nearly 70,000 kilowatts of such energy. Therefore, it is fair to say that the sum of the firm power business in sight plus the market for dump power exceeds the present installed capacity. The load-development possibilities of the project have been estimated by the Marketing Division in excess of 250,000 kilowatts by 1941 and 450,000 kilowatts in 1942. Comparing these load possibilities with the construction schedule given above, it will be seen that a power shortage will exist in the Northwest during 1941 and possibly 1942.

EARNING POWER OF THE PROJECT

The earning power of the project is set out on page 74, table 8, of the annual report. The Administrator estimates that each kilowatt of capacity will earn on an average \$18.36 per kilowatt year, which will give a gross revenue on the completion of the plant of \$9,350,000. The investment in transmission, transformer, and operating facilities for Bonneville alone will represent an outlay of \$36,288,000. This investment represents only projected lines in the Bonneville-Coulee area, which will be allocated solely to the delivery of Bonneville current.

Based on the Federal Power Commission's allocation, the Army engineers have estimated that the completed investment in dam, power plant, and switch yard will represent \$50,293,885. It will be noted that this is some eight or ten million dollars in excess of the original estimate by the Power Commission. The Power Commission's estimate was based on lower capacity. Since that time, as a result of experience with units 1 and 2, the Army engineers have concluded that the capacity can be expanded over the original estimated figure of some 430,000 kilowatts. The first two units installed have a rated capacity of 43,200 kilowatts each, but units 3, 4, 5, and 6 are larger; being in the neighborhood of 52,000 kilowatts each.

The amortization and interest charges, based on 40-year repayment at 3½-percent interest will run \$4,060,000 per year and the combined operating expenses, together with maintenance and depreciation, will amount to \$1,890,451. This will leave a net of \$7,459,549 for fixed charges which is an 8.6-percent return on the Government's investment in

power facilities or \$3,399,549 in excess of the operating, maintenance, and fixed charges. Therefore, when the plant is completed, the revenues under existing rates will retire the investment in a shorter period than 40 years besides taking care of all costs and deficiencies during the load-building period.

AMOUNT TO COMPLETE

The Administrator in his testimony before the Interior Appropriation Subcommittee estimated that it would take \$10,000,000 together with the six million approved by the Budget to complete the transmission system to market this full power capacity. With funds already provided, this would represent \$43,250,000 for transmission system of which about seven million will become part of Coulee's system on the completion of that plant, leaving \$36,288,000 as Bonneville's part of the total transmission investment.

Fifty-eight percent of the ultimate generating capacity has been provided for in appropriations to date. Funds for about the same effective percentage of transmission facilities have been provided. Due to the necessity of firming up Bonneville capacity by interties, all of these appropriations will not be available for market outlets.

The Bonneville plant is what is called "a run of the river plant." This means that supplemental storage does not exist. During the flood periods in June, the available plant capacity is reduced from backwater on the turbines. During such a condition the elevation of the water in the river below the plant is materially increased, which reduces the drop from the pond to the tail water elevation. This reduction in capacity during the month of June amounts to some 30 percent of the plant's capacity.

Other storage and high-head plants, like Coulee, Tacoma, Seattle, and the storage plants of the private power companies will have surplus production during this flood period. Therefore, by interconnections, surplus power can be borrowed from the storage plants, thus firming up Bonneville's entire capacity. The firming up of 158,000 ultimate kilowatts at Bonneville will result in additional revenue to the Government of around \$1,000,000 per year. This is the reason for early interconnections, such as the line to Coulee and to Tacoma.

FARM LOAD

The latest available studies by the Farm Journal indicate that there are 61,137 occupied farms in Oregon and 81,105 such farms in the State of Washington. In Oregon 30,303 of such farms are electrified and 30,834 farms do not have electric service. In the State of Washington 43,375 farms are electrified and 32,730 farms are not.

Eastern Oregon and eastern Washington represent a substantial farm market. In this area 12 Rural Electrification Administration projects are under construction or completed. There is a large and highly successful cooperative with about 1,500 miles of rural lines in southeastern Washington. Eastern and central Oregon and the unserved areas in the Willamette Valley are now active in organizing Rural Electrification Administration cooperatives.

Rural Electrification Administration has recently had a field representative in the State of Oregon and this representative has estimated that there are 11 unserved rural areas that can be profitably developed. These unserved areas represent a rural line mileage of 978 miles.

Under the Bonneville filed tariffs such power can be purchased at one-half cent per kilowatt-hour. This possible saving in wholesale prices represents \$12.50 per farm-year for the medium user and about \$25 per farm-year for the larger consumer who utilizes an electric stove and labor-saving devices. These areas have farms of large dimensions. Therefore one of the essential requisites for a successful rural enterprise is low-cost current.

In the testimony before the Interior Subcommittee it was pointed out that eastern Oregon and eastern Washington are sections devoid of fuel and installed hydro capacity. The available present capacity in this eastern country per thousand population is only 28 percent of the similarly installed per capita capacity in the remaining portions of these two States. This eastern section of Oregon and Washington has

a population of 248,000, of which 91,000 is rural. The possible revenue accruing from the eastern Oregon and Washington lines would be in excess of \$850,000 per year, which will justify the lines proposed by the Administrator. There is an early market for 68,000 kilowatts in this region, according to the testimony.

DUPLICATION

The policy of the Bonneville administration is to avoid duplicating existing lines. Last year the question of duplication was raised on the floor, and the parallelism of the project's transmission line from Vancouver to Eugene was cited. When this question was then up, attention was called to the lack of capacity of the private parallel lines in the Willamette Valley. Since that time the position taken on the floor has been sustained by the actual contracts with the Portland General Electric Co. for delivery at Salem and a pending contract application from the Mountain States Power Co. for delivery at Eugene. These companies would not toll current over the Government lines if their lines had the available capacity or requisite reserve.

Parallel lines and duplicate facilities are two entirely different concepts. For example, here in the city of Washington there are 4-inch water mains paralleling 24-, 36-, 48-inch water mains. The fact that these water mains parallel each other does not mean that the 4-inch main is a duplicate of the 48-inch main from the standpoint of service and load requirements. This analogy applies to parallelisms between Bonneville's high-capacity transmission lines and the low-capacity transmission lines of the private power companies. The following lines of the project will parallel existing private lines, but will not duplicate these facilities:

- First. Conduit, Washington to Yakima, Washington area.
- Second. Midway to Grand Coulee.
- Third. Midway to Pasco, Colfax, and Pendleton.
- Fourth. Vancouver, Wash., to Eugene, Oreg.
- Fifth. Vancouver, Wash., to Tacoma, Wash.

The first two cited transmission lines connect Bonneville with Grand Coulee. The existing private lines in this stretch have such small capacity that the Bonneville and Coulee plants could not be operated together. The same situation applies to the Vancouver-Tacoma transmission lines and the eastern Oregon and Washington lines.

The wires of these private lines are small and the voltage low. The power that has to be transmitted from Bonneville to Coulee is similar in proportion to the current delivered from Boulder. When the city of Los Angeles and the private power companies in southern California contracted for Boulder current, they built lines similar to those now being constructed by the Bonneville project and ignored the existence of the lower-voltage lines in the Los Angeles area.

When subtransmission at lower voltage is involved, parallelism might encroach on duplication. In such cases the Bonneville project has purchased the facilities of the private power companies. The western Washington lines recently purchased by the Bonneville project from the West Coast Power Co. and the Willapa Electric are examples of the nonduplicating policy of the project.

POLICY PROVISIONS

Mr. Chairman, the policy covering the transmission and marketing of Bonneville power has been set by Congress in the organic act, approved August 20, 1937. The four outstanding policy provisions of this legislation are as follows:

First. The Administrator is directed to sell the power at such a rate, subject to approval by the Federal Power Commission, so that the Federal Government will be reimbursed over a reasonable period, with interest, for its investment in power facilities. The interest rate has been set by administrative action at 3½ percent and the amortization period 40 years.

Second. The Administrator is directed to construct, or purchase and to operate, transmission facilities to existing and potential markets, so as to encourage the widest possible diversified use of electricity.

Third. The Administrator is directed that the project is to be operated for the benefit of the general public, particularly rural and domestic consumers.

Fourth. Fifty percent of Bonneville power is reserved to 1942 for public bodies and agencies. However, in this interim the Administrator has authority to sell such reserved power so long as it does not interfere with the preferential rights of public agencies.

NEW INDUSTRIES

The Chicago Tribune has raised the issue that Bonneville is taking away industries from other sections of the country. This editorial has been answered in the Portland Journal. Bonneville has not solicited industries from other sections of the country. These industries which have contracted for Bonneville energy are branch factories or new industries which located in the Bonneville area because of natural resources, abundant cheap power, and market possibilities. The Aluminum Co., so the testimony before the subcommittee shows, was contemplating either the Northwest or Canada. The Northwest was selected over further Canadian expansion. The very nature of the aluminum company's business requires a plant location in close proximity to low-priced power. To meet competitive conditions current has to be secured for aluminum manufacture at about half the price of the lowest cost steam power. The iron industry, which recently executed a contract with Bonneville, located in this area because of the close proximity to iron-ore deposits in Columbia County, Oreg., and an existing market for such products on the west coast.

BUDGET REQUEST

The Administrator submitted a construction budget estimate to the Bureau of the Budget totaling \$9,290,000. This was reduced by the Bureau to \$6,000,000. This Budget cut resulted in the elimination of the following transmission lines in Oregon:

- First. Albany to Waldport.
- Second. Pendleton to La Grande.
- Third. The Dalles to Bend.

The transmission lines included in the \$6,000,000 estimate are set out on page 204 of the printed Budget, and include the following Oregon lines:

- First. St. Johns-Tillamook.
- Second. St. Johns-Astoria.
- Third. Pasco to Pendleton.
- Fourth. Surveys, Waldport and Bend Lines.
- Fifth. Surveys, Pendleton to La Grande.

OPERATION AND MAINTENANCE

Mr. Chairman, the estimate and request of the Administrator of the Bonneville Project for \$650,000 for operation and maintenance, it is believed represents the minimum that will be required for operation of these facilities for the fiscal year beginning July 1, 1940. It is reasonable to conclude that inasmuch as the transmission lines are just being made available and contracts are being negotiated and entered into for the disposition of the power generated at the Bonneville project, that a considerably larger appropriation will be required for this service during these initial years of operation. The Administrator estimates that approximately \$2,200,000 worth of power will be marketed during the fiscal year 1941. His reports show that there will be in operation on January 1, 1941, 1,610 miles of transmission lines, and 14 stations on the main line. There will be available with the completion of units 3 and 4, 194,000 kilowatts for sale. This fiscal year will be the first one in which the plant will be in operation for the full period. It is good business judgment to provide sufficient operating funds to operate the plant at full capacity, in order that the facilities now provided will be put to full use, not only furnishing a much-needed service to the residents of the district served, but also returning to the Government revenues which will not only return interest on the Federal investment and power facilities, but eventually retire the capital investment.

TRANSMISSION LINES CONSTRUCTION

Mr. Chairman, as I have stated, unfortunately the Federal Government did not provide for transmission lines for marketing the power generated at Bonneville so that they would be completed and available at the time the power was generated. By reason of this shortsightedness, considerable revenues have been lost. It would be unfortunate to con-

tinue this policy by not providing sufficient funds to complete the network of transmission lines so that they would be available as fast as the generators are completed. If this is done, all power generated, as shown by the reports of the Administrator, can be marketed, and thus bring to the Government revenues with which to carry the investment.

You have in the record, from the reports and justification of the appropriations requested from the Administrator of the Bonneville Project, the construction program for the fiscal year 1941. These show that the 19 projects listed are estimated to cost \$22,500,000. Three million, five hundred and six thousand, two hundred and eighty-eight dollars of this sum was obligated during the fiscal year 1939, and the Administrator estimates that \$9,975,294 will be used during the current year. If this estimate is correct, there will be a balance needed for construction during the fiscal year 1941 of \$9,018,418. Under appropriations already made there will be available \$3,018,418 to apply against this, which will leave \$6,000,000 required as a new appropriation to carry on this work for the fiscal year 1941, which the Administrator states will be the minimum required to comply with the act of August 20, 1937.

I most earnestly submit that this appropriation does not fall in the category of those which we are considering at this session of Congress for new projects or initiating new undertakings. Rather, it is one made necessary to complete an existing project and provide the necessary marketing facilities to enable the Government to utilize a large investment already made. It will not only provide much-needed service to the people of my community and elsewhere, but it will enable the Government to secure adequate returns on its investment.

Should the Congress fail to make the appropriations requested in the Budget, this project will be slowed up and much of the developments which are proceeding so satisfactorily will be stopped. Furthermore, much of the large investment which the Federal Government has in the project will be forced into idleness. Good common sense and good business judgment require, now that the project is well toward the stage of completion, that the necessary funds should be made available for its completion and successful operation.

If the \$6,000,000 Budget item is reduced, it will result in further curtailment of Oregon lines and in incomplete facilities. An examination of the projects and functions on page 204 of the printed Budget will show that part of these lines will be built from current funds and completed with funds requested in the \$6,000,000 figure. Any cut necessarily will leave work uncompleted and deny service to existing markets.

Mr. FITZPATRICK. Mr. Chairman, I yield 14 minutes to the gentleman from Montana [Mr. O'CONNOR].

Mr. O'CONNOR. Mr. Chairman, I want to call the attention of the Members of the House particularly to a paragraph appearing in the bill at page 86 having to do with a small water-conservation project for construction in part by relief forces; the Government's part is reimbursable and the remainder by W. P. A.

In this connection also I call your attention to a letter written by Secretary Ickes, of the Interior Department, in connection with this item by Senator HAYDEN. Among other things the Secretary said:

There are two distinct phases of the human problem caused by the extended drought: First, that of anchoring insofar as possible the remaining population in the drought areas, and this can be accomplished in part through irrigation developments; and, second, that of providing opportunities for the rooting in new soil of the people who have drifted to the far western States from other areas, and this can be achieved in part by the completion of irrigation projects to utilize the water resources as yet unconserved in those States.

Last year a start along this line was authorized with the appropriation of the Interior Department Appropriation Act of 1940 of \$5,000,000 to develop a few irrigation projects in the Great Plains and other arid and semiarid regions on which this appropriation and some relief funds might be used. Several of these projects are now under way in Montana, North Dakota, and South Dakota. They must, of necessity born of the meager water supplies available near usable lands, be small, and they must, because relatively

high per acre, be separated from the usual Federal reclamation projects since they cannot be expected to return directly in dollars to the Treasury the full amount of their construction costs. In savings in future relief expenditures and in the prevention of human misery, however, they will make up the deficit uncounted times.

A program involving approximately \$5,000,000 a year on a reimbursable basis for projects of this type and relief and nonreimbursable expenditures of \$5,000,000 to \$7,000,000 a year seems indicated. I am furnishing, as you suggested, an outline of a 5-year program proposed by the Bureau of Reclamation of this size, which could be carried forward efficiently.

Under what is known as the Wheeler-Case law, authorizations for the appropriation of \$5,000,000 was enacted into law. In other words, it is unnecessary hereafter under the provisions of that act to make any further authorizations, for Congress now has the power to make the appropriations.

The present bill does not carry any funds for this particular sort of improvement and relief work. It simply reapropriates the amount unexpended of the \$5,000,000 that Congress appropriated a year ago. This amount should be increased to the original \$5,000,000 that Congress appropriated a year ago and for which authorization was carried in the act referred to. I understand there is about \$2,000,000 in the fund unused.

The construction of these projects is one of the best methods in which to employ relief labor. The States that are affected and involved in this plan of small irrigation projects are Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oregon, Oklahoma, South Dakota, Texas, Utah, and Wyoming. In my own State the program has already begun in the construction of what is known as Buffalo Rapids No. 2. The major part of the work is now being done by W. P. A. labor. If this project were not in course of construction those men would be employed perhaps on some other work which would not inure to the permanent benefit of the country. As it is, however, the work they are doing will enable in the neighborhood of 300 families to make a living in the future in that territory once the work is completed. It will take these people off relief. If this plan is carried out, what is going on with reference to this Buffalo Rapids project will go on also in the States I have mentioned.

It is true that all the funds the Government will appropriate will not be reimbursed, because of necessity these projects are more expensive in construction than the regular irrigation or reclamation projects; consequently, we must look at the picture as Secretary Ickes looks at it, from the human standpoint as well as the economic standpoint and from the standpoint of employment of W. P. A. labor on useful and productive projects of permanent future benefit to the country.

I want to call the attention now of the Members of the House to a few things in a general way concerning reclamation.

When the Federal Government makes appropriations for battleships, rivers and harbors, flood control, and a thousand-and-one other undertakings, it immediately writes off the cost.

When it builds a reclamation project it makes an enduring investment that returns the outlay and contributes continually to the development and prosperity of the country as a whole, not alone the West, where its operations are centered.

In the 38 years of its operations, Federal reclamation has made its place as a permanent function of the Government's activities and it is here to stay. Its record justifies its continuance, and its future will further emphasize the importance of a program of far-reaching consequences.

Here are a few of the outstanding achievements of Federal reclamation:

It has created more than 50,000 farms, which have been carved out of the desert areas of the arid and semiarid West.

It has provided homes on these farms for nearly a quarter of a million people.

In the cities, towns, and villages that are dependent for their existence on the purchasing power of these farms are nearly three times that number of persons.

Property values in farming lands of nearly half a billion dollars have resulted.

It has stabilized conditions in many areas that were threatened with desolation by shortage of water supplies, and has preserved property values even greater than those it has created.

It has provided a market for the manufactured and agricultural products of the Midwest, East, and South that has averaged more than \$200,000,000 annually.

The benefits that have accrued to the 15 Western States in which reclamation projects are operating could be multiplied without exaggeration. Results that have been so favorable in other sections of the country could be given even further emphasis.

The individual States that have been sagebrush land transformed into veritable oases are proud of the reclamation projects and their records.

Montana is one of the States that can offer outstanding examples of what reclamation has done and can accomplish. On the Lower Yellowstone we have the Lower Yellowstone and Huntley projects. To the northward and westward we have the Milk River and Sun River projects, and just outside of my district there is the rehabilitated Bitter Root enterprise and the Frenchtown project. In the eastern part of the State the first unit of the Buffalo Rapids project has been completed, and the second is under construction.

In all this, Federal policy has brought water to more than 3,000 farms in Montana and has rescued more than 300 in addition. It provides the major support for some 40,000 persons in the rural and urban areas of the projects.

Why should the Federal Government be concerned with the development of the West?

More than a century and a quarter after the frontier of the Nation had moved west of the Mississippi, the Federal Government retained ownership of nearly 60 percent of the land area of the 11 States of the Mountain and Pacific groups. Properly in the name of conservation, it has sought to prevent the exploitation of great national resources, but by so doing it has deprived the States of taxable values with which they might have financed their own internal improvements.

The Federal outlay for Federal reclamation developments is an investment that is not only repayable but pays. It might be emphasized that until recent years practically all construction work was paid for out of the proceeds from the sale of public lands and other western resources, and the funds returned to the reclamation revolving fund created by the reclamation law of 1902.

I want to dilate upon this statement. The approximate revenue from the various sources of income from the federally owned land, which includes proceeds from the sale of land, oil royalties, mineral-right royalties, and licenses for water-power rights, amounts to in excess of \$3,000,000 annually. This, together with the amount paid on repayment contracts, amounts to about \$10,000,000 per year.

How well have these payments been kept up?

The most recent figures available show that out of \$200,000,000 invested in projects that have been completed and are in a repayment status, more than \$62,314,000 have been repaid. This record shows that better than 30 percent of the Federal investment thus classified has been returned and the future will show an even better record.

The \$62,000,000 or thereabouts returned to the Treasury, represents about 97 percent of all payments which have become due and payable, on contracts now in force, which virtually shows no losses have occurred on these contracts.

As for funds advanced from the General Treasury for construction of western projects, attention may be called to the record of Boulder Dam. Although operating only a little more than 2 full years, the revenue from the sale of power and water at Boulder Dam on June 30, 1939, totaled more than \$9,250,000. After providing operating funds, more than \$3,200,000 has been returned to the Federal Treasury.

Now, in my own State, we have approximately 33,000,000 acres of land which is federally owned, which is about one-third of the entire State. If this property was owned by the State of Montana, the income from it would go some little

way in meeting the cost of internal improvements. Now, what have we done?

Last year we appropriated about \$61,000,000, which was expended for reclamation projects. This year this sum has been cut to \$43,000,000. Over a period of 10 years the approximate expenditure was about \$40,000,000 per year. Now, what will happen as a result of this curtailment of developing and completing these projects?

Take, for instance, in my own State. There has been expended on the Vaughn division of the Sun River project \$2,400; on the Gibson Dam the sum of \$2,515,000—on the same river—uncompleted. The dam is built, but nothing else has been done; \$47,300 has been expended on the Fort Peck pumping project. To say the least, if we are going to curtail the expenditures on these projects it will slow their completion up, if not stop the work and the development of of the country.

In 1939, a total of \$1,403,800 was spent on reclamation in Montana all told. Five hundred and forty thousand dollars of this was emergency money for Buffalo Rapids. That is a pumping project on the lower Yellowstone. In 1940, \$1,100,000 has been spent on reclamation in Montana up to date.

Now, Mr. Chairman, I know your hearings have been lengthy. I am here to urge you to make the maximum possible allotments to carry on the reclamation program in the West. I shall speak for the most part about this program in the State I represent in the Congress—Montana—but I feel I should touch a few brief generalities. I do this because this great reclamation program going on in a group of States that comprise nearly half the total area of our country is a program still not clearly understood by our neighbors in other parts of our Nation.

So I want to say:

First. That water for irrigation purposes is literally, not figuratively, the lifeblood of our agricultural and livestock industries. Nature does not treat the West as kindly as she does other States. So our farmers and ranchers are compelled to seek additions to their natural water supply.

Second. We do not produce on our western lands crops that compete with those of the Midwest or any other area. Our main crops are forage crops. Any informed person should know that the West sells its crops inside the bellies of its cattle and sheep.

Third. The main object of the West is to conserve its water and thus to assure an adequate supply of water to nourish lands already in use—not to bring new lands into cultivation.

And, finally, I want to repeat with all the emphasis I can command that the Federal Government does not give or even spend money for reclamation. It merely loans the West the money. And so far the West's record for repayment of every cent of these reclamation loans is better, according to the Treasury's own records, than the record of any other borrower to whom the Federal Government has advanced funds.

Gentlemen, the West is proud to declare and to prove that reclamation projects "pay out," and, what is more important, they "pay back."

Gentlemen, I maintain no good banker, no wise businessman cuts down on that part of his operations which have the best repayment records. He does not trim the borrower or the branch which it benefits him most to keep in operation.

This year the 1941 Budget estimate for reclamation construction purposes is, roughly, \$44,000,000, or about a 30-percent decrease from the approximate sixty-one millions appropriated for the current fiscal year.

Aside from the very extreme hardship this drastic curtailment will work on the States of the West, is this a wise move so far as the Federal Government is concerned, gentlemen? I am enthusiastic for improving the condition of our National Treasury. I heartily approve a start toward Budget balancing. I agree it is time to bring Federal income and Federal outgo closer together. But is this the right way to do it; is it the hardheaded, practical business way to do it?

I say no; it is not. And I invite you to a reconsideration of the entire reclamation program, so that you can convince yourselves that money advanced for reclamation development—not "given" or "spent"—is money that will come back into the Treasury.

I shall not review the whole case for reclamation. I think you know it. I merely ask you to reconsider the West's claims.

Specifically, I endorse and submit for your immediate consideration the proposal which has the Secretary of the Interior's approval and under which small-type irrigation and reclamation projects can be carried on in the States of Montana, Wyoming, Utah, North and South Dakota, Colorado, Arizona, Idaho, Nebraska, New Mexico, Kansas, Oregon, Texas, and Oklahoma.

Project	Description	Area	Estimated cost, non-relief funds
MONTANA			
Big Horn-Turlock..	Pumping, Yellowstone River.....	1, 100	\$25, 000
Sadie Flat.....	do.....	4, 691	200, 000
Haley.....	do.....	1, 500	120, 000
Musselshell.....	Deadman's Basin Reservoir.....	15, 000	1, 000, 000
Various.....	Upper tributaries of Missouri River and Yellowstone River tributaries.....	10, 000	655, 000
Total.....		32, 291	2, 000, 000

Gentlemen, this is not asking for huge sums for giant reclamation projects. This is asking you merely to appropriate the comparatively small amount needed to continue a program of vast benefits which was started when you appropriated \$5,000,000 last session.

These projects, under the plan already begun, can be carried along in conjunction with the relief program in these States. That is the way the entire program was projected. You know the program as the one encompassed in the Wheeler-Case Act. This legislation envisioned and has utilized the cooperation of the W. P. A. It got off to a fine start last year. But there is no new money in the bill to continue this fine work. Not a great deal is needed.

Over a 5-year period, the Secretary of the Interior has indicated that the necessary appropriation could be limited annually to about \$5,000,000 of reimbursable funds—funds the Government gets back—plus another \$5,000,000 of non-reimbursable funds to cover the conjunctive use of the W. P. A. set-up.

In other words, here is a chance for the Federal Government to continue a profitable line of operations—one with an excellent "pay back" record, and at the same time contribute to a solution of the ever-pressing relief problem.

Before long, gentlemen, the Appropriations Committee of the House and Senate, as you well know, will have to take up again this relief problem. Here is a chance to help solve it.

In Montana, gentlemen, this reclamation program is vital. The greatest need of our ranchers and farmers is an adequate water supply. Montanans do not ask Uncle Sam for a hand-out. They merely ask him to keep up a good program he has already started and give them a chance to make a living. They will pay him back—every cent. They will not ask for relief.

The Reclamation Bureau has been investigating perhaps a dozen Montana projects which later on can be developed to assist our farmers and stockmen. There is the Yellowstone River Basin, with possibilities for storing water outside Yellowstone Park. There is the Vaughn division of the Sun River project—with the dam already built; the Gibson Dam on the Sun River; the Daley Spur for storage on Beaverhead River; the Canyon Ferry Reservoir on the Missouri River; Lake Como Reservoir on the Bitterroot River, and the general development growing out of the Fort Peck pumping project. This will benefit not only Montana but North Dakota as well. The Saco Divide project on the Milk

River, Deadman's Basin Reservoir—gentlemen, I could still name more, but I will not burden you with more detail.

This program, gentlemen, is proving out. It would be penny-wise and pound-foolish, indeed, to suspend such a program. So I urge you, gentlemen, to re-examine this program and make the revisions that will permit continuance of a plan that not only is vital to Montana and other Western States, but which affords real cash returns to the Treasury.

Mr. LEAVY. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. LEAVY. The gentleman is making an extremely interesting and important statement concerning reclamation. As a member of the Interior Department subcommittee, and one who has been assigned by the chairman of that committee to handle these hearings, I know the gentleman's deep interest in reclamation and I want to pay this tribute to him because he deserves it.

If every Member of Congress from the 17 Western States where water conservation is essential took the same interest in reclamation as the gentleman has during the time he has been in Congress it would be but a short time until reclamation would receive recognition throughout the entire United States. The gentleman's district has profited by reason of his industry and rightly so. These appropriations are not a gift to his district because they are being returned to the Treasury as rapidly as they become due.

Mr. O'CONNOR. I thank the gentleman for his kindness and generosity. [Applause.]

[Here the gavel fell.]

Mr. CARTER. Mr. Chairman, I yield 7 minutes to the gentleman from Pennsylvania [Mr. Gross].

Mr. GROSS. Mr. Chairman, I want to read a letter from a businessman in my district, because I feel it represents the feelings of most of the businessmen in the country. The letter was sent me by Heilig Bros. Co., of York, Pa., and reads as follows:

YORK, PA., February 28, 1940.

HON. CHESTER M. GROSS,

United States Congress, Washington, D. C.

MY DEAR MR. GROSS: Please use your influence in trying to bring about changes to the Wagner Labor Relations Act at this session of Congress. This law in its present state has done more to create unemployment and keep idle cash from flowing into legitimate manufacturing enterprises than any one thing on the New Deal calendar.

Heilig Bros. Co. have been contemplating the building of a new mill for the past 4 years, and every time we steam up enough of courage to move forward, the Wagner Act comes along and cracks down on some employer that takes the wind out of our sails, and we settle down to the point that under this lopsided act or law we have all the business we want.

For your information, we employ 150 hands, all voters, and had it not been for the Wagner Act in its present form we would have 300 on our pay roll. We made an offer some time ago to the county commissioners of York County for the old poorhouse tract, but doubt very much if we would consider it at this time if they decide to take us up, unless this very unfair labor law is changed. Heilig Bros. Co. have been operating 100 percent all through the depression. In fact, our plant has operated on a full-time schedule—that of 24 hours, 6 and 7 days a week—over a period of 16 years. Our minimum wage starts at 44 cents, time and half time for all time over 42 hours; and with such a record the Wagner Labor Relations Board is using every means possible in trying to coerce us to recognize the C. I. O. as bargaining agent for our employees through the steel-workers' organizing committee. In working up their case against us the Labor Relations Board's representative, Mr. House, of Philadelphia, Pa., has been before us and our attorney, and one would have to arrive at the conclusion that this fellow is a representative of the C. I. O., getting his pay through the National Labor Relations Board, and using every means at his disposal to coerce employers into becoming the "stooge" of the C. I. O. In other words, the Wagner Labor Relations Board is using every means at their disposal to try to blackjack legitimate business or manufacturing enterprise into joining the C. I. O.

Very truly yours,

HEILIG BROS. CO.,
C. H. HEILIG, President.

Mr. CARTER. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. Gwynne].

Mr. GWYNNE. Mr. Chairman, within less than 50 years the production and the utilization of milk has so increased in this country that today we are the greatest of dairy nations.

About 25,000,000 cows are milked daily on three-fourths of the Nation's 6,000,000 farms. More than 45,000,000 quarts of milk are delivered to homes and stores. Milk, cheese, butter, ice cream, and other dairy products create an estimated annual output of \$3,500,000,000. The cash farm income from dairy products in 1937 was \$1,530,000,000. The next greatest single item was cattle and calves, \$987,000,000, and the third, hogs, \$902,000,000.

However, in spite of our splendid facilities in the dairy industry, in the consumption of these products we do not make a good showing. For example, in 1935 in the per capita consumption of cheese the United States stood sixth among the nations. In the consumption of whole milk we were third; in the consumption of butter, about ninth.

The following tables prepared by the United States Department of Agriculture illustrate the situation:

Cheese: Consumption per capita in various countries, 1929-35
(Pounds)

Country	1929	1930	1931	1932	1933	1934	1935
United States.....	4.6	4.6	4.5	4.4	4.5	4.8	5.2
Denmark.....	11.0	11.7	13.2	10.8	10.8	11.7	13.5
France.....	(1)	(1)	11.2	11.1	11.0	10.8	12.7
Netherlands.....	11.2	12.2	12.9	11.5	15.4	14.7	14.7
Germany.....	11.5	12.3	12.8	13.2	13.4	12.8	10.1
Argentina.....	(1)	3.2	2.9	3.4	4.1	3.8	3.8
Switzerland.....	17.2	15.5	16.4	17.3	19.4	17.7	(1)
United Kingdom.....	(1)	9.8	(1)	(1)	(1)	9.4	9.1
Australia ²	4.3	3.8	3.7	3.8	4.4	3.5	(1)
Canada.....	3.5	3.6	3.5	3.3	3.4	3.6	3.6
New Zealand ³	5.6	7.4	7.0	6.0	5.0	(1)	(1)
Union of South Africa ⁴	4.3	4.3	4.1	3.8	3.7	4.0	4.8

¹ Not available.

² 12 months ending June 30 of following year.

³ 3-year average to Mar. 31 of following year.

⁴ Europeans only.

Bureau of Agricultural Economics. Compiled from Imperial Economic Committee Report 1936.

Whole milk: Estimated consumption, per capita, in various countries, specified years
(Gallons)¹

Country	Year	Per capita consumption
Switzerland.....	1937	62
Canada.....	1931	55
Sweden.....	1936	48
United States.....	1936	38
Netherlands.....	1935	36
Czechoslovakia.....	1930	32
Austria.....	1931	23
France.....	1935	23
Germany.....	1930	24
Great Britain.....	1935	21
Spain.....	1935	10
Italy.....	1929	8

¹ United States gallons, figured as equal to 8.6 pounds.

Based on estimates for cities and villages only.

Bureau of Agricultural Economics.

Butter: Consumption, per capita, in various countries, 1929-35
(Pounds)

Country	1929	1930	1931	1932	1933	1934	1935
United States.....	17.4	17.3	18.1	18.3	17.9	18.3	17.3
Denmark.....	13.0	13.5	14.9	18.7	21.2	19.8	20.9
Germany.....	(1)	(1)	16.3	15.9	16.3	16.3	16.6
Belgium.....	(1)	19.1	(1)	22.3	19.7	19.0	18.6
France.....	(1)	(1)	12.0	11.8	12.0	12.7	12.7
Netherlands.....	12.8	14.2	16.0	19.0	16.7	15.9	13.8
Switzerland.....	12.8	13.3	14.4	14.3	14.0	15.0	15.6
Argentina.....	(1)	2.0	2.5	2.1	3.4	3.8	3.8
United Kingdom.....	17.7	18.7	20.9	21.7	23.5	25.2	25.2
Australia ²	29.8	28.9	29.0	29.3	31.1	30.8	(1)
Canada.....	29.3	30.6	30.8	30.5	30.2	31.1	30.9
Irish Free State ³	39.3	(1)	(1)	(1)	(1)	41.4	(1)
New Zealand ⁴	43.6	39.7	43.0	42.7	44.0	44.3	49.6
Union of South Africa ⁵	15.4	16.7	16.6	15.9	16.2	17.5	17.6

¹ Not available.

² 12 months ending June 30 of following year.

³ 12 months ending May 31 of following year.

⁴ 12 months ending Mar. 31 of following year.

⁵ Europeans only.

Bureau of Agricultural Economics. Compiled from Imperial Economic Committee report, 1936.

If the people of America were consuming the amount of dairy products necessary for a proper diet and for good health, there would probably be no surplus to worry about.

In 1939 the Legislature of Iowa created the Iowa State Dairy Commission. Its purpose, among other things, was to promote "the increased use and consumption of dairy products, whether processed or unprocessed, by providing for a research, educational, publicity, advertising, and sales promotion campaign." The work of this organization should be beneficial to the entire dairy industry regardless of State lines.

We believe we have a good product to sell, and we are spending our money and energy in advertising it. This program is being carried on in conjunction with the Iowa Agricultural Experiment Station. This experiment station is supported by both the State of Iowa and the Federal Government, in accordance with the provisions of the Bankhead-Jones law. It has always seemed to me that the weakness of the present farm program has been the failure to develop new uses for agricultural surpluses. It is gratifying to note that both the Federal and State Governments are now becoming active along this line.

As a part of this program and in conjunction with the Iowa Agricultural Experiment Station, the Iowa State Dairy Commission has recently developed three types of cheese.

I wish to read here the following letter from E. S. Estel, of Waterloo, Iowa, which sets out the character of the work being done.

WATERLOO, IOWA, February 27, 1940.

HON. JOHN W. GWYNNE,

Congressional Office Building, Washington, D. C.

DEAR JOHN: You will receive by express, simultaneously we hope with this letter, a box containing three very interesting types of cheese developed by the Iowa Agricultural Experiment Station. These cheeses are a most valuable contribution towards finding new uses for milk produced not only by all the dairy farmers of Iowa, and they are members of our association, but the dairy farmers of America as well, for you will recognize that these cheeses are superior in most cases to the cheeses which are now being imported from abroad.

The Iowa State Dairy Association voted unanimously, at its annual meeting held February 23, to purchase these cheeses and send them to you with our compliments. We feel that the cheeses will show you better than we can tell you how valuable the work of the experiment station is to us in finding new and improved uses for milk, a tremendously vital thing to dairy farmers.

As you know, the funds to support the Iowa Agricultural Experiment Station come from the State of Iowa and from the Federal Government. Some years ago the Bankhead-Jones law authorized certain funds to be allocated to experiment-station work, but these funds have not been included in this year's House appropriation bill. Were these funds, which have been authorized by law, made available, the Iowa Agricultural Experiment Station would receive \$16,000 to continue the work in cheese and other important agricultural research; or, put in another way, our experiment station is this year short \$16,000 of funds on which it had planned to carry on work of this kind.

We hope that you will enjoy the cheeses yourself and that you will see fit to show your colleagues from other States how good Iowa cheese really can be. We further hope that you will use your influence to have the Bankhead-Jones funds restored to the House appropriation bill so that the research work carried on at our agricultural experiment station, which is so valuable to the members of our association, and to the farmers of the Middle West, may be continued.

Sincerely,

IOWA STATE DAIRY ASSOCIATION,
E. S. ESTEL, Secretary-Treasurer.

IOWA SWISS-TYPE CHEESE

A cheese possessing the excellent eating qualities of Swiss cheese with a convenient form which will permit its wider sale. Swiss cheese is ordinarily made in "wheels," weighing 180 to 200 pounds, and the manufacture of a "miniature" style was thought to be impossible. Through the use of the proper culture of bacteria and the development of proper methods of manufacture, a 5-pound Swiss-type cheese has resulted which has some very unusual possibilities from the standpoint of sales and, therefore, milk utilization.

IOWA EDAM-TYPE CHEESE

This cheese has been developed by proper manufacturing methods. It should be possible to find a market for large amounts of milk produced in this country through this very attractive medium. Further studies need to be made to improve all of the cheeses and particularly this one.

IOWA BLUE CHEESE

A Roquefort-type cheese made from cows' milk. True Roquefort cheese is made from all or part sheeps' milk. Curing requires a

long time and with cheese made from cows' milk a considerable variation in the quality of cheese results. The experiment station has found that by homogenizing the milk which is used and the selection of appropriate ripening organisms a uniformly high-quality cheese can be produced in about half the length of time ordinarily required. Many people prefer this Iowa blue cheese to the imported Roquefort, due to the smoother, softer body and a flavor which they think is superior.

Mr. CARTER. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, I was gratified this morning to have the gentleman from Oklahoma, in answer to my inquiry regarding the appropriation which has just been mentioned by the gentleman from Michigan for the benefit of the High Commissioner to the Philippines from the United States, say that he thought it was "food for thought" that we take that \$141,000 expense item out of the excise taxes we are collecting on Philippine exports to this country and then returning to them.

It seems to me we in this country should do one of two things if we are to be consistent and practical in this direction. We should either go all the way in this matter and pursue a business-like course or cut out this talk about giving the Philippines their independence and deal with the subject as we would if they were not going to be given their independence in 1946. If we are going to give them their independence, it seems to me we are justified in treating them now as we would treat any other nation. On that basis I believe we would be justified in not spending \$141,000 to maintain our High Commissioner over there and in not giving them back the excise taxes we collect and then so graciously and freely turn back to them under the present arrangement.

The reason I am interested in this particular matter is that I consider it the most important problem confronting the United States today with relation to our foreign affairs. In my estimation—and I will be so bold as to make a prediction at this time—within 15 to 18 months we will find that the situation in the Oriental arena is going to become much more severe and acute as it relates to our own peace than it is at the present time. I believe we will find the Japanese situation will have developed to a point if not of open warfare between Japan and the United States, and I pray that it may not, then of becoming a very serious problem and one fraught with much danger to ourselves.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Michigan.

Mr. CRAWFORD. The gentleman was interrogating the gentleman from Oklahoma [Mr. JOHNSON] a while ago on the proposition of reducing the \$141,000 by using as a set-off against it some of the excise taxes which we send to the Philippine Islands. It is my understanding that the excise tax on coconut oil brought in from the Philippines, which excise tax flows back to the Filipino treasury, and the excise tax on sugar coming in from the Philippines, amounts in round figures to between \$25,000,000 and \$27,000,000. It is also my understanding that the total budget of the Philippine Commonwealth ranges from 65,000,000 to 70,000,000 pesos, or, valuing the peso at 50 cents, half of that figure in dollars.

If that is the situation we are sending, say, from \$25,000,000 to \$27,000,000 to the Philippines each year out of these two excise taxes as against, roughly, a \$35,000,000 budget, collected from the Filipinos by the Commonwealth. As I understood the gentleman, that was the approach he was making to this \$141,000.

Mr. ALEXANDER. That is correct. I wanted to point out it is just about the silliest, if not the most asinine, thing that we in this Congress could possibly do to continue to fool ourselves, to hide the real intent in this thing and not to face the facts in a realistic way.

[Here the gavel fell.]

Mr. CARTER. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. ALEXANDER. I started to mention the seriousness of the Japanese situation over there, and if I am not mistaken our relationship in the Philippines is quite relevant in connection with any consideration of the Japanese situation. I said a moment ago I think that our relations there and the problem in the Orient is the greatest problem with which we are confronted in this country today. I think it is equally important, and should be considered on an equal basis, with our unemployment problem, great as that is, because if we get into a war, from the experiences we had in 1917 and 1918 and the years since then, we know that all of our economic system is disrupted from a war; so I say if we get into a war in the Orient our economic system is going to be still more disrupted, creating economic chaos and more turmoil and more unemployment after the thing is over with and settled; so it has a very immediate and direct bearing not only on our peace, but indirectly on the general future welfare of our workingmen and women, so we should all be interested in it.

I do not believe many people have ever taken the pains to study the so-called Tanaka report, which was put out in 1927 by the then Prime Minister of Japan, who, in that report, made out a program with reference to Japan's expansion and development based on a world viewpoint. In that program the Prime Minister recommended that Japan go into China, which they have done by degrees starting 4 years later or in 1931. I want to point out a few of the things which the Tanaka report suggested and to show that it is being carried out by Japan, in order to show what we can expect in the future with reference to our own situation in the Orient and with reference to the Philippines.

Japan, as we know, has gone into Manchuria completing her easy conquest there in 1932. The Tanaka report then recommended that Japan go into Inner Mongolia. They have done that. Then the report recommended that Japan go into Outer Mongolia. Well, they attempted that, but they have been stopped there temporarily by Russia. Then the report recommended that they go into China and mop up there, and it even recommends that they set up puppet governments whenever Japan goes into and conquers these provinces, and this has been done, as you know.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield.

Mr. WHITE of Idaho. Is the gentleman familiar with the reported memoirs of Baron Tanaka, the former Japanese Premier, who outlined in those memoirs a comprehensive program for taking over control of Asia?

Mr. ALEXANDER. That is what I am talking about now, except I am talking about the direct report which was made in the nature of a recommended program for expansion by the Prime Minister at the request of the Japanese Government, which I assume he inserted in his memoirs to which the gentleman from Idaho refers.

[Here the gavel fell.]

Mr. CARTER. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. CRAWFORD. Mr. Chairman, if the gentleman will permit, I want to make one more observation.

Mr. ALEXANDER. I yield.

Mr. CRAWFORD. My concern, as a Member of the House, is not so much that we are sending this \$25,000,000 or \$27,000,000 to the Philippines, but my concern is what will the Filipinos do with the \$25,000,000 or \$27,000,000 or whatever the amount may be. What will they do with what has already been remitted. What will they do with that which is now subject to withdrawal from the United States to go to the Philippines? Will it be used on a purely constructive basis, preparing the Filipino economy to be independent of the United States as, when, and if Filipino independence is granted, or will those funds be wasted, spent recklessly, bring about no good and then, subsequent to the coming of independence, will we again have to contribute in the way of cash and other assistance to the preservation of the economy of the Philippines? That is the thing I am interested in.

Mr. ALEXANDER. I think the gentleman has quite well stated the situation. There is this additional aspect which I pointed out all during the first session of this Congress, and that is that the government officials in the Philippines are, of course, afraid of Japan, and for that reason are playing fast and loose with the Japanese, both in the Philippines and in Japan, which is not at all to our interest or fair to us in view of our largess and generosity which seems to have no end.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield.

Mr. WHITE of Idaho. I would like to ask the gentleman from Michigan if it is his contention or assumption that these benefit payments or processing taxes go to the Filipino nation, as a nation, or to the individual sugar producers.

Mr. CRAWFORD. They do not go to the individual sugar producers. Read the Sugar Act of 1937. This money is sent to the Treasury of the Philippines, presumably, for the purpose of enabling the Filipinos to adjust their economy so that they can operate without free trade with the United States following independence.

Mr. WHITE of Idaho. Does not the money go to the Filipino Treasury as trustee for the producers who produce the sugar?

Mr. CRAWFORD. And then to the individual growers?

Mr. WHITE of Idaho. Yes.

Mr. CRAWFORD. No; not at all.

Mr. ALEXANDER. Before I conclude my remarks I want to point out one additional feature of this Japanese situation as it reflects on our own future.

At the present time Japan is pursuing a more or less watchful, waiting game. For this reason she is uncertain as to whether she wants England or Germany to win the European War, because under the terms of the anticomintern pact of 1936, which was entered into between Japan, Germany, and Italy, Germany at that time stated her intention of having a slice of the British-Dutch East Indies. In other words, I am informed, Germany has insisted in her conversations with Japan, then and since, that she wants to take over the Malay States, Sumatra, and some of the other immensely rich island possessions over there of European nations, including Holland as well as England and France, if she wins this war, Japan to get the islands east of Malaysia and Sumatra.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. CARTER. Mr. Chairman, I yield the gentleman 2 minutes more.

Mr. ALEXANDER. As I say, if Germany wins this war, and takes over the British Navy, Germany will be in a position to promote her claim for island colonies and possessions in the Far East, and which contemplates a split with Japan, which, of course, is obnoxious to Japan because she wants a corner on all the tin, oil, rubber, metals, and other raw materials in which these colonies abound. On the other hand, if England wins too fast, then Japan cannot promote this Tanaka program and go on and take over these immensely rich islands in the Indian Ocean, including the Philippines, and her last objective, India, which is a part of her ambition, as pointed out in this recommendation of Prime Minister Tanaka.

For that reason I think it is a vital thing that the people of this Nation be given the facts in this situation with reference to the Philippines and the Far East in general, so that we can decide on a realistic, farsighted program and policy and protect ourselves against what is growing over there, rather than to go on in a blind and unwise manner, as we have been doing during the past several years, continuing to get into deeper water and not protecting ourselves from what one can see on the horizon approaching us in reference to our foreign relations. The lives of our sons, and, indeed, the future safety and welfare of our Nation depends on this. I hope Americans will wake up on this.

Mr. LEAVY. Mr. Chairman, I yield 10 minutes to the Delegate from Alaska [Mr. DIMOND].

Mr. DIMOND. Mr. Chairman, first, may I pay deserved tribute to the subcommittee which has charge of the bill now under consideration, the Interior Department appropriation bill. From the first time I appeared before the committee, in 1933, until the present day, I personally have had only the utmost courtesy and consideration shown me by the subcommittee, and as appears on page 377 of the record of the hearings, I have been permitted to sit with the subcommittee in consideration of the items of the bill pertaining to Alaska. I am deeply sensible of that privilege, and grateful to the distinguished chairman, the gentleman from Oklahoma [Mr. JOHNSON], and to the other members of the subcommittee.

Alaska, of course, has much to do with the Department of the Interior and the Department of the Interior has much to do with the Territory of Alaska. Since the Bureau of Fisheries and the Bureau of Biological Survey have been brought within the Department of the Interior, that Department is even more important in the administration of the affairs of Alaska. The bill is a disappointment to those of us who live in Alaska in a great many particulars, but I can understand thoroughly and appreciate that the committee could do nothing else, under the circumstances, in view of the rule which was announced by the gentleman from Oklahoma [Mr. JOHNSON], whereby it is the duty of the subcommittee to keep the bill within the Budget estimates.

However, I congratulate the subcommittee and the full committee upon doing one thing that should have been done several years ago, and that is making a more adequate provision for the use of airplanes in the game-law enforcement in the Territory.

I have said so often that I suppose I should not repeat it again, people generally really do not understand the condition in Alaska with its vast area and the scarcity of roads. If we had our roads equally divided among all of the 590,000 square miles embraced within the territory of Alaska, there would be only 21½ feet of road to each square mile. So in these latter days there is only one practical way to travel in many parts of Alaska, and that is by the use of airplanes; and it is reassuring to find set out on page 21 of the report of the bill that the committee has added \$20,000 to the game-law enforcement estimates, which will permit the purchase of two airplanes for use by officers in the territory. That, in my judgment, is true economy. The money will be saved over and over again. The appropriation should have been made before, but at least, if made now, it will be effective in the future, and I hope there will be no objection to the item when we consider the bill for amendment.

To show the use of airplanes in Alaska, and to show particularly the character and capacity of some of our citizens, including some of the wildlife agents, as they are called, the game-law enforcement officers, who will use these planes, I refer briefly to a newspaper article which appears in the issue of the Cordova Daily Times, of Cordova, Alaska, of February 19, telling of the rescue of Benton W. Davis, a Civil Aeronautics Authority pilot whose airplane had crashed in the mountains of Alaska.

Planes went out from the nearby cities to search for him, and at last a pilot in one of the searching airplanes of the Star Air Lines discovered the wrecked machine on the side of a mountain. They knew that Mr. Davis was alive because some smoke issued from the wreck. Two wildlife agents, one named Grenold Collins and the other Clarence Rhode, in one airplane, and another man named Dick Miller, not connected with the Alaska Game Commission, who also flew a small plane, landed their ships on the steep mountain side near the wrecked plane. It was necessary for them to keep their propellers running, so steep was the mountain, in order to prevent the planes from sliding back downhill. But they took the wounded man aboard and brought him to the hospital. The planes of course were on skis. They rescued Pilot Davis and brought him to the

hospital and now the report is that he will recover. Those men, both wildlife agents, Collins and Rhode, and Dick Miller, who is not connected with the enforcement of the Alaska game law, are entitled to the greatest credit. They risked their own ships and their own lives in making the rescue. Their faithful and valiant work will not be forgotten.

The following is an account of the rescue as it appeared in the February 19 issue of the Cordova Times:

C. A. A. FLYER RESCUED FROM CRASH UNDER DIFFICULT CONDITIONS

Following 24 hours' imprisonment in his wrecked plane and one of the most thrilling and dramatic rescues ever written into the annals of aviation history, Benton W. "Steve" Davis, Civil Aeronautics Authority pilot, was reported this afternoon to be resting easier in an Anchorage hospital.

Davis is suffering from a fractured vertebra, broken leg, frozen feet, bruises, and exposure and shock.

After being missing since 10:35 a. m. Friday, Davis' plane, the C. A. A. Fleetwings amphibian, was located late Saturday afternoon by Pilot Kenneth Neese, one of eight searchers, near Rabbit Creek, just west of Portage Pass. Neese, with his large Star Airlines ship, was unable to land in the limited space on the mountain where the C. A. A. plane lay, so he summoned the light planes of Wildlife Agent Grenold Collins and Dick Miller.

Collins and Miller both landed in a space of 75 feet on the mountain. Wildlife Agent Clarence Rhode of Cordova was with Collins. They had to block their ships and keep the propellers turning to prevent them from sliding back down the mountain-side.

The rescuers made a half-mile climb to Davis, who had freed himself from his plane by shooting out a panel with a heavy service revolver, releasing his frozen foot that had been held nearly 24 hours.

Collins succeeded in taxiing his plane to a point near Davis, and the badly injured man was put aboard. Collins headed his ship down the mountain and gunned the motor. He raced through knee-deep drifts and took off much as a ski jumper might.

Miller, carrying Rhode as passenger, duplicated the feat after the Collins plane was clear and followed it to Anchorage.

ALMOST UNBELIEVABLE LANDINGS AND TAKE-OFFS MADE IN RESCUE

ANCHORAGE, February 19.—Rescued by brother fliers who performed almost unbelievable landings and take-offs on the side of a snow-covered mountain, Pilot Benton W. Davis is recovering from his crash injuries in the Anchorage hospital, where it was said he had a fractured vertebra, kidney injuries, and frozen feet, one of which still is in danger of amputation.

Physicians are confident he will recover.

Davis' rescue added a startling chapter to Alaska's history of remarkable air achievements. Gen. Collins, flying a Piper Cub, landed in a space 75 feet long. Heading the plane up the precipitous slope as the skis touched, Collins and Clarence Rhode were forced to jump out and prop the plane to prevent it from sliding down the mountain.

Dick Miller did the same feat with his Aeronca.

C. A. A. Inspector I. K. McWilliams circled above the scene and radioed news of the rescue.

Davis had left here at 10:20 a. m. Friday for Valdez. He checked in by radio 15 minutes after taking off and that was the last report from him until the wreckage of the Fleetwings was sighted by Pilot Kenneth Neese nearly 30 hours later.

Perfect weather conditions and excellent radio communication Saturday facilitated the search for the missing plane. Eight planes combed the uncharted peaks of the Chugach Mountains.

Quiet-spoken "Steve" Davis, who holds a captain's commission in the United States Army Reserve Corps, is well known in Cordova, where he has stopped frequently in his work as pilot in Alaska for the Civil Aeronautics Authority.

He is permanently attached to the Anchorage headquarters of the C. A. A., but has been making survey and personal flights all over Alaska for a year in connection with the Authority's radio range-station building program. His family—wife and four children—live in Anchorage.

I deeply regret, Mr. Chairman, the omission from the bill of a fund which I had anticipated might be set up in the Budget estimate, but was not, for the construction of a hospital for the Indians in Alaska, particularly for the relief of those who are afflicted with the dread scourge of tuberculosis. Dr. Townsend, who is chief of the Medical Bureau of the Office of Indian Affairs, appeared before the committee and he was asked the condition of the natives in Alaska with respect to tuberculosis. His testimony appears on page 441 of the printed record of the hearings. He said that there are about 650 deaths per 100,000 among the natives, as against 50 per 100,000 with the whites. In other words, the prevalence of tuberculosis among the native peo-

ples of Alaska, according to this statement, and based upon the percentage of deaths, is about 13 times as great among the natives as among the white residents. There is no cure, and there never will be any cure, for tuberculosis among the natives of Alaska, Mr. Chairman, until those natives who have tuberculosis are hospitalized and thus taken out of the homes where they now live.

Most of the natives of Alaska live in small houses. Some of them in the cities would be called slums. Some of them are slums of the worst type. As many as a dozen people will live in two or three rooms. So if one of those natives gets tuberculosis, as is often the case, it is almost certain that unless the sick one is taken out of that small dwelling, practically every other member of the family, every other person who lives in the house, will ultimately be afflicted with the same dread disease.

As Dr. Townsend so well pointed out when I asked him the question, there is only one remedy for the situation, and that is the construction and operation of hospitals in order to take care of those who have tuberculosis. There is no other way to do it, and until we build the necessary hospitals to take care of those natives who have tuberculosis the death rate will simply remain at its present distressing height, 650 per 100,000, or 13 times as great as among the white people.

I had hoped that the Bureau of the Budget would send up an estimate for at least one hospital to be built this year. During the past 4 years we have received appropriations for one hospital a year. Four hospitals have either been built or are now under construction: One at Point Barrow in the extreme northern part of Alaska, one at Bethel in the southwest, one at Kanakanak on the shores of Bristol Bay, and one for which the money has been appropriated and which will be built next year at Tanana, on the Yukon River, near the mouth of the Tanana. We need at least four more hospitals to put an end to this tragedy that is befalling the native people.

Several years ago, Mr. Chairman, when the program for construction of hospitals for the natives of Alaska was entered upon, it was my understanding that unless prevented by unusual or extraordinary exigencies, money would be appropriated with which to construct one new hospital a year for the Alaska natives until their requirements had been met with a reasonable degree of adequacy. It was then estimated that the total construction expense of the hospitals required would be about \$1,250,000. We are not yet half way through that program and, therefore, it is a pity to omit making an appropriation for one hospital for even 1 year. The lack of the necessary appropriation will inevitably mean the long-drawn-out illness and misery, and the eventual death, of many of our native citizens, because, as I have endeavored to point out, one person who contracts tuberculosis almost inescapably is the occasion of spreading the contagion to several others. In my judgment, we need additional hospital accommodations for the natives of Alaska to the extent of about 1,000 beds. If these facilities are furnished we may look forward confidently to a reduction in the rate of tuberculosis among the natives until that rate is little, if any, higher than the rate among the white citizens in the Territory, which is now one-thirteenth of that of the natives.

While I, too, not only understand but sympathize with the desire of other Members for strict economy in governmental operations, I submit that the omission to provide funds for an Indian hospital in Alaska at this session of Congress is not an exercise of economy at all, but is really wasteful—wasteful of human happiness and human life.

Knowing the futility of any such attempt, I do not intend to offer an amendment to the bill tomorrow to make the appropriation for which there is such instant and pressing need. But I urge, Mr. Chairman, that the need is great and that although we may endure the delay of 1 year in our hospital-building program, that delay should not be continued for more than a single year, and at the next session of Congress, when a similar bill is considered, the committee should make

provision for the continuance of the program of hospital construction in Alaska no matter what the Bureau of the Budget says about it. After all, it is Congress and not the Bureau of the Budget that is charged by the Constitution and our laws with the duty of making appropriations.

Passing now to another subject, and one concerned with economic rather than humanitarian considerations, I should like to present to the House the need for additional transportation facilities between the United States and Alaska, and within the Territory itself. As I have often before observed, the Territory has sufficient natural resources to support, under proper conditions, several millions of people. And yet we have a present population of only about 70,000, or, at the most, 75,000.

It is my considered judgment that the population of Alaska would be steadily and sufficiently increased from year to year over a period of many years if we could only secure fairly adequate facilities of transportation at reasonable cost to bring people from the States to Alaska and then to provide them with similar facilities within the Territory itself.

The facilities needed are of three kinds or types—on the sea, on the land, and in the air.

With respect to air travel, what is needed at the present time is an improvement and enlargement of existing airplane landing fields and the construction of some others to take care of traffic within the Territory and also to provide for air transport, including air mail, between the United States and Alaska. This entire program could be put into construction at comparatively slight expense, and it ought to be undertaken without delay.

The land transport problem presents the difficulty of requiring substantial sums of money for the construction of the necessary highways. At the present time we do not need any more railroads in Alaska, but we do need a great deal in the way of highways or motor roads. In all of its vast area Alaska has now less than 2,500 miles of highway, and most of that is of a comparatively simple type. No paved roads exist anywhere outside of incorporated cities. We do not need paved roads in Alaska, but we do need immediately several thousand additional miles of comparatively low-grade motor roads. People who are familiar with road building tell me that roads of the type desired will cost in the interior of Alaska, in initial construction, about \$6,000 per mile.

Several years ago with the aid of Government funds a farm settlement was established in Matanuska Valley, Alaska. The expense was considerable. In my opinion, at the present time it is not necessary to subsidize farm settlers or other settlers to locate and set up their homes in Alaska. If roads and highways are furnished, the settlers will come just as fast as we can take care of them. But it is impossible for settlers to lead a comfortable life unless roads are provided. It is no longer practicable for people, particularly women and children, to take up residence in some remote section where they have not even the simple means of communication with others which is afforded by a road.

I have in mind particularly, Mr. Chairman, the Kenai Peninsula region of Alaska. In this area the soil is deep and fertile, the climate is comparatively mild, the length of the summer growing season is ample, and the land generally is well suited to agriculture. And yet only a handful of people live there because of lack of means of transportation, because of lack of roads. I have long urged that a road be built the length of Kenai Peninsula and then connected with the Seward-Moose Pass Highway. The construction of such a road and of a few lateral roads would, in my estimation, lead to the speedy settlement of the entire Kenai Peninsula district, which can easily support several thousand people. Again I insist that the settlers do not need any grant or subsidy from the Government but they do need a road, and truly civilized living is all but impossible without road facilities.

The same thing is the case with respect to many other regions of Alaska. Roads are needed for the development of mining and for the use and occupation of the agricultural and grazing lands of the Territory. With regard to mining, I invite the attention of the Members to the testimony of Mr.

Carl F. Whitham and Mr. Asa C. Baldwin, which appears in the printed record of the hearings at page 1155, wherein it was shown that the expense of construction of a road in the Nabesna country did not exceed in amount the taxes paid through the operation of one mine which was thereby developed and the working of which was thereby rendered possible. Mr. Baldwin and Mr. Whitham are capable, respected, and substantial citizens of Alaska. What they have said on the subject of road building in the Territory is deserving of the most careful consideration.

This bill contains no appropriation for the Alaska Railroad, other than an appropriation of the earnings of the road. The failure to make a sufficient grant to really complete the construction of the Alaska Railroad and put it in a reasonably good operating condition is an economic mistake. If the railroad were thus completed in the true sense of the word there would never be need of making any appropriation for operation.

Unfortunately, a suggestion has now been made with respect to the Alaska Railroad that is, to my mind, clearly fantastic, and that is the proposal to change the terminus of the road from Seward, its present seaboard terminus, to Portage Bay, Alaska. The general manager of the road has estimated the expense of the suggested change to be about \$5,000,000, but I have good reason to believe that the cost of making the shift to Portage Bay would be in excess of \$10,000,000. There is not, in my opinion, the slightest excuse or justification for entertaining such a proposal. It would wreck the city of Seward. It cannot be defended by the volume of traffic which is now carried on the railroad nor the volume thereof which any man can foresee for the next quarter of a century. The interest alone on even the lowest estimate of the cost of making the change would more than pay the increased expense of operation over that part of the line which it is proposed to abandon. It is unthinkable to me that with other appropriations cut to the very bone on grounds of economy, money should be appropriated for a project which even in more prosperous times would be completely devoid of merit.

Mr. CARTER. Mr. Chairman, I yield 9 minutes to the gentleman from Ohio [Mr. BENDER].

GLENN FRANK REPORT POINTS TO CONSTRUCTIVE REPUBLICAN PROGRAM

Mr. BENDER. Mr. Chairman, with the publication of the Glenn Frank committee report, honest Democratic leaders will no longer be able to accuse the Republican Party of lacking a constructive program. The 8-year-old attempt of the New Deal to throw mud at the partisans of the Grand Old Party with a charge of "obstructionism" can no longer bear repetition. For the Glenn Frank report is a complete answer to those critics who have maligned and slandered the Republican Party.

American citizens who have watched the tactics of the New Deal do not expect the Democratic National Committee to concede the wisdom of the Frank report. Yet, despite the wisecracking and cleverness which the "brain trust" has undertaken to belittle the work of the committee, its results are clearly recorded in the unchanging black and white of print. Newspaper editors, columnists, commentators have examined the conclusions offered by the report and have found them worthy of careful attention.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. BENDER. I yield.

Mr. WHITE of Idaho. Does the gentleman think that in the deliberation of a matter as important as a bill making appropriations for the Department of the Interior he should inject partisan politics?

Mr. BENDER. I think the gentleman is out of order, for, on the basis of the gentleman's question, then everything that has been done here this afternoon is out of order.

Mr. WHITE of Idaho. Does the gentleman think it is in order to discuss partisan politics on a bill of this kind?

Mr. BENDER. I believe this is just as good a time as any other; and I am not alone in this belief, because it is my observation that there is quite a diversity of opinion on this important question.

Dr. Frank and his committee make no pretense of infallible wisdom in presenting their views. On many of the controversial issues of our day, they concede the possibility that they may be in error. It is highly significant that the authors of the report devote much of their discussion to considering the creative and constructive aspects of our national life. Rejecting the basic New Deal theory that we have reached a point in our national development where all frontiers have disappeared, the national program committee declares its belief that there are no "assignable limits to the possibilities of American enterprise." With telling force, the history of the epoch from 1905 to the present day is cited. In 1905 the automobile industry was not in sight. Yet it furnished the incentive for the greatest industrial expansion in a dozen areas of our national life that we have ever witnessed.

No less important than this refusal to accept the artificial barriers established by the New Deal is the finding of the committee that Republicans throughout the land believe that our unemployment crisis can be solved only through the expansion of normal private enterprise. Taken together with the similar conclusions reached by other polls of public opinion, this reassurance of American confidence in the future is a sharp challenge to the attitude of defeatism which has marked the New Deal.

Dividing its work into several important topics, the committee has treated our labor problems, our farm economy, our business difficulties, our social program, and our foreign relations from a viewpoint which is at once objective and optimistic. In analyzing the persistent unemployment, which is our most pressing obstacle to recovery, the legal right of workers to organize and to act collectively to improve their position is recognized as a basic fact. Without seeking in any way to minimize the importance of recent legislation, it is pointed out that the recognition of the rights of labor was not an achievement of the New Deal. It was established long before the Wagner Act. Republicans long ago recognized the principle of collective bargaining, and it is not an issue in the present campaign. Nevertheless, the committee notes a justified dissatisfaction with the operations of the National Labor Relations Board. In the words of the report:

The National Labor Relations Act was conceived and has been administered in the spirit of industrial warfare instead of the spirit of orderly peaceful procedure between labor and management, which the act purports to foster—

Specifically, the report calls for "responsible amendment" of the act—

in the interest of American workers and in the interest of a productive functioning of American enterprise. The objective of such amendment must be to maintain without wavering a firm guarantee of the right of free organization and collective bargaining, while so revising the provisions and procedures and so altering the spirit of the administration of the act as to surround the whole employee-employer relationship with a sense of complete fairness to all parties and all interests concerned.

To carry out its recommendations a new judicial and administrative plan is proposed. Under this proposal the judicial functions now performed by the Board would be lodged in a tribunal entirely apart from the Labor Relations Board.

There is frank recognition by the committee that this is only one step in a necessary process looking toward the restoration of private employment. In the business area the long-standing feud between the New Deal and industry is all too apparent. Its termination is essential if anything approaching recovery is to obtain. Governmental regulation is sanctioned as necessary, but under our system—

It is clear that the best interests of the American people require that we preserve and modernize our traditional system of free enterprise with the minimum governmental regulation necessary to prevent abuse and promote justice in its operations.

Free enterprise demands protection of consumers, markets, and investments. But no regulation is justified when it goes beyond the protective purpose and destroys the freedom of enterprise. The task of producing more and better goods at lower prices is the only way in which the living

standards of the Nation can be lifted. Under present conditions the standard must inevitably fall. This view of free enterprise is no idle talk. In our normal routine of living as a free people free enterprise is the be-all and the end-all. Yet free enterprise under protective regulation has been seriously threatened. In the T. V. A. experiment free enterprise received a smashing blow at the hands of our Government. The willingness to risk savings for investment purposes is a condition without which our economic liberty becomes a meaningless term. Under New Deal leadership there is no willingness to undertake risks. Americans cannot predict what limitations may be placed by their Government upon private enterprise. Reasonable profits may meet unsurmountable obstacles in the form of new and punitive taxes or new and increasingly stringent methods of business regulation.

To correct this situation, the program committee urges the readoption of our old attitude toward the development of our private enterprise. Our Government must see to the existence of an adequate supply of short-term credit for agriculture, industry, and commerce. It must see that there is sufficient long-term credit and investment capital to finance a constantly expanding enterprise in each of these fields, but the program of the Government must be that of overseer rather than that of provider. All those agencies of the Government providing long-term capital to private enterprise should be discontinued, in the opinion of the Frank reporters. Their place can well be taken by private sources, once the Nation is convinced that Government does not mean to wage war upon its industry.

No program can be successful in the long run unless it satisfies the maximum number of our people. The great one-third of our people who derive their livelihoods from agriculture cannot go on permanently scaling down the output of our American farms with results any more satisfactory than would be achieved if our manufacturers did the same thing. A policy of scarcity in farming as an industry is unthinkable as a constructive solution to the Nation's problem so long as there are those who need food, clothing, and shelter in our midst.

To replace the present treatment of the farm problem, the Frank committee suggests the use of "that form of subsidy which is simplest to apply generally and which will necessitate the least possible red tape of regulation and the least possible number of bureaucratic regulators." Nothing will ever solve our agricultural problems but a definite expansion of the farmer's market, domestic and foreign. Nothing will ever expand these markets but a constructive solution of our domestic problems and the reestablishment of international peace.

Meanwhile, we recognize the need for relief. Such relief must be adequate in volume, free from partisan bias in its administration, and designed to stimulate self-respect rather than to destroy it. In the New Deal's long record on relief the Federal Government has centralized administration within itself. It has discriminated between economic and racial groups. It has inflated costs at periods shockingly close to national elections. Impartially conducted investigations have demonstrated that total construction costs with relief labor have run from 25 to 150 percent more than construction under private contracts.

These are for the most part abuses of methods, not of purposes. They can be corrected through a program which will maintain and develop local responsibility to replace Federal control. To bring them into the best possible practice, the administration of relief needs should be conducted through a national bipartisan commission completely removed from all direct relationship to party affairs.

On a half dozen fronts the acceleration of building, the creation of a health program, the function of our Government should be to stimulate rather than to dominate. Once we have begun the task of setting our house in order, we may be better able to lend our aid to the gigantic problems of international affairs.

There is much to be done. The report of Dr. Frank and his colleagues, by pointing out the very existence of this multitude of American problems, has charted a course for our Nation. Our people can meet and overcome every difficulty in the list. We who have conquered the wilderness, solving nature's problems, will never be dismayed by the problems created by men. [Applause.]

Mr. LEAVY. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. DICKSTEIN].

Mr. DICKSTEIN. Mr. Chairman, much has been said on the floor this afternoon in colloquy between the gentleman from New York [Mr. EDWIN A. HALL] and the gentleman from New York [Mr. FITZPATRICK] regarding a resolution passed by the New York State Legislature on the third term of the President. It is pathetic to realize that petty politics is brought from the capital of a State to the National Capital of this country. All of this controversy was prearranged and concocted with the idea of creating an issue in the National Capital on the basis of the passage by the Legislature of the State of New York of a resolution condemning a third term for a President who is qualified and whom the people demand. Is this the case? Let us turn to the record and see what actually happened in the capital city of New York.

McNaboe—I do not know whether I would call him a Democrat or a Republican, except that I do know that his actions in a number of years were not those of a Democrat—more or less constituted himself as an independent party playing ball with Democrats or Republicans, or anyone who suited his purpose. The present State Senate of New York is made up of 27 Republicans and 24 Democrats. Not a Democrat voted for McNaboe's resolution.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I cannot yield unless I can get more time.

Mr. RICH. I will yield the gentleman time in which to answer this question.

Mr. DICKSTEIN. I yield.

Mr. RICH. Several years ago in the House of Representatives and in the Senate a resolution was offered by Democrats limiting the tenure of office of a President to two terms. How can the gentleman answer that? Has there been a change of heart?

Mr. DICKSTEIN. All I am interested in now is the present state of public opinion. The President has not declared whether he wants a third term; it is none of our business under present law, and we should not force him to commit himself one way or the other. This resolution is just a way of creating a lot of smoke for the purpose of arousing public sentiment and making an issue with a lot of people. A great deal of this propaganda is prearranged more or less to force the President to say, "I do not want a third term." I do not know whether he does or not, I do not speak for him; but I do say that all this petty propaganda should not be brought to the National Capital, especially in the form of so-called nonpartisan resolutions introduced by a State senator of the type of Senator McNaboe, who sometimes is a Democrat, but mostly plays ball with the Republicans; who is known just as a plain sorehead. I feel sorry to have to say that about a senator from my own State, but he should not have allowed himself to be used as a tool of a political group for propaganda purposes without taking into consideration the sentiment of the people he represents.

McNaboe introduced this resolution with the idea that he would get Republican support, and it worked out just that way: Every Republican voted for it, and so did McNaboe, but not a single Democrat voted for it. The same thing happened in the State assembly.

Mr. RICH. Mr. Chairman, does the gentleman believe that President Washington was a good President?

Mr. DICKSTEIN. He was a great President, and the gentleman knows it.

Mr. RICH. Did the gentleman hear his Farewell Address read last month?

Mr. DICKSTEIN. I have heard it read and I have read it. But now I ask the gentleman whether he believes that Washington, if he would have had a third term, would have been a bad President?

Mr. RICH. I do not believe that Washington would, but I am not saying that about the present occupant of the White House. [Applause.]

Mr. DICKSTEIN. The gentleman has not answered my question.

Now, let us see what the Assembly of the State of New York did; let us look at the political set-up of the State assembly. Mark you, I have high regard for certain Republicans in my State. A lot of Republicans are fine men. Nor do I blame people for playing politics, but I do object to the use of such propaganda for the sole purpose of saying that the State of New York, with 12,000,000 people, has gone on record against a third term.

Mr. Chairman, if a vote were taken today and Mr. Roosevelt were the candidate he would win in the State of New York by over a million votes. [Applause.] The fact of the matter is that resolution does not represent the sentiment in the city and State of New York, and I know the city and State of New York well. If a vote were taken tomorrow, the big city of New York would be about 95 percent for Roosevelt. So what is all this bunk about resolutions? They bring them into the National Capital and make a lot of bones and fuss about them.

The New York State Assembly consists of 85 Republicans, 64 Democrats, and 1 of the American Labor Party. There was not a Democrat who concurred in the McNaboe resolution. A lot of resolutions are sent to us from New York. Some of us take them seriously. But here is a resolution that must have been prepared by Senator McNaboe with the assistance of the Republican Party of the State of New York. I will ask the Clerk to read this resolution in my time, and you will hear something about dictatorships and everything pertaining to a dictator, which is typical of the language used by the Republican Party and a few disgruntled Democrats.

The Clerk read as follows:

Whereas on September 17, 1796, George Washington, first President of the United States, delivered his Farewell Address to the American people; and

Whereas on that day the Father of his Country set down certain suggestions for the guidance of the American people; and

Whereas by his refusal to seek election for the third time he established a tradition that to this day has remained unbroken; and

Whereas in his Farewell Address President Washington said "Friends and citizens; the period for a new election of a citizen, to administer the executive government of the United States, being not far distant, and the time actually arrived, when your thoughts must be employed in designating the person, who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution that I have formed, to decline being considered among the number of those out of whom a choice is to be made"; and

Whereas this tradition of a President of the United States of not seeking election for a third term forms the one remaining bulwark protecting the people of this Nation against the threat of the establishment of a dictatorship; and

Whereas with the establishment of a dictatorship the minorities now accorded their rights under our Constitution will be swept aside and accorded the same treatment now given them in certain countries of Europe: Now, therefore, be it

Resolved (if the assembly concur), That the Congress of the United States be, and hereby is, memorialized to enact suitable legislation to prevent any President from seeking a third term and that a copy of this resolution be transmitted to the Vice President, the Speaker of the House of Representatives, and each Member of Congress from New York State.

Mr. DICKSTEIN. Mr. Chairman, the clerk of the senate took the trouble to typewrite a personal letter to every Member of Congress from the State of New York in reference to this resolution. This is the first letter I have ever received with a resolution, and they pass them by the dozens in the State legislature. He particularly called my attention to this particular resolution, which was read to you a moment ago. I have communicated with Albany and I talked to some Democrats and Republicans up there. This resolution was worked out by a certain group in the State, with the connivance of McNaboe who was going to introduce

it. McNaboe was the sponsor of this resolution with no intention of it representing the Democratic opinion of the State of New York or the country.

[Here the gavel fell.]

Mr. LEAVY. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. DICKSTEIN. Mr. Chairman, during the time I have been a Member of this House I have received a number of resolutions, but I never received a personal letter from the clerk of the State senate of the great State of New York. He particularly called my attention to this McNaboe resolution and, by the way, he is a Republican also. Who voted for it? The Republicans. McNaboe voted with them, but I do not consider him a Democrat. Yet we have had publicity in the press of Washington, New York, and all over the country that the Legislature of the State of New York has passed this resolution. The New Jersey Legislature is about to follow a similar proceeding. Why? Because the Republicans are in control.

I am not quarreling with the Republican Party. I am not discussing whether they have the right to do that or not, but I do not want it to appear, as indicated by my colleague from New York [Mr. EDWIN A. HALL] that this is a nonpartisan resolution. It was perpetrated after due deliberation. McNaboe is the only one in the senate the Republicans could trust, and he, without even discussing it with the Democratic leaders, introduced this resolution and naturally with 28 votes against 24 was able to pass it. They had 85 votes in the New York Assembly and with the Democrats being in the minority they were able to pass it there. So they would make it appear that the 12,000,000 people of the State of New York are against a third term, but I want to tell the country that this is not so. As a matter of fact, if a vote were to be taken tomorrow the result would be just the opposite.

I am disturbed to see some of my colleagues on both sides of the aisle clamoring for the President to tell us whether he is going to run. Is it any of our business? He can answer for himself. You cannot force him to say yes or no. Let him do what he likes. If the people of the country demand an answer, that is another matter.

Mr. McCORMACK. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. Only a few weeks ago when the Republican National Committee met in Washington, Chairman Hamilton, as I remember it, challenged the President to run for a third term.

Mr. DICKSTEIN. The gentleman is correct. I have also heard statesmen in the other body and statesmen in this body say that they were more or less disturbed about the Democratic Party unless he comes right out and answers whether he is going to run or not. The fact of the matter is, Mr. Chairman, we are living in a different age, we are living in a different world, we are living under different conditions today that we were 10 or 15 years ago.

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I yield the gentleman 1 additional minute. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Pennsylvania.

Mr. RICH. The gentleman saw the Treasury statement showing that since the first of last July we have gone in the red to the extent of \$2,655,000,000. Does the gentleman think this country could last 4 more years with Mr. Roosevelt as President after he has put this country in the hole worse than any President who has ever been at the head of this Nation, in fact five nations?

[Here the gavel fell.]

Mr. DICKSTEIN. Will the gentleman give me a minute to answer his question?

Mr. RICH. I will give the gentleman 10 minutes to answer that question.

Mr. DICKSTEIN. I shall be glad to answer it if the gentleman will give me the time.

Mr. RICH. If the gentleman believes he can give the country an answer to that question in 10 minutes, I believe it would be the most worth-while 10 minutes we could spend.

Mr. DICKSTEIN. I will try, anyhow.

In the first place, all I have been hearing the last few years is, "Where are we going to get the money?" I hear the gentleman's voice every morning. The gentleman asks what this country is going to do, saying we are in the red \$40,000,000,000.

Mr. RICH. We have a limit of \$45,000,000,000, and we have reached that limit now.

Mr. DICKSTEIN. How much did Hoover leave us in the red when we took over?

Mr. RICH. Three billion dollars in 4 years, and now you have gone in the red \$21,000,000,000 in 7 years.

Mr. DICKSTEIN. This country can stand a debt of more than \$40,000,000,000. This country can stand \$80,000,000,000. The gentleman should not kid himself. We are all making conversation here, but the fact of the matter is that the gentleman is an alarmist. Look at the wealth it has accumulated for our country in terms of social and emotional readjustment of millions of our people.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I wish to call to the attention of the gentleman that the gentleman from Pennsylvania considers the Budget in terms of dollars and cents, but there is another budget, the human budget.

Mr. DICKSTEIN. That is what I am getting at. I am just trying to tell the gentleman the intrinsic value of the things this administration has done for this country. The trouble with us is that we are about 50 years ahead of time. Mr. Roosevelt is about 50 years ahead of his time in progress, in the care of human life, in the building of character, and in doing away with conditions which frustrate the development of America. It may be true—we are trying to do too much at one time and it may be hard for Republicans to follow. It has never been done during a Republican administration in my time. I know it used to take on an average of about 10 years before we could get some constructive social legislation through this Congress. It was just the same situation as I have noticed with some aliens. Some aliens will become citizens immediately, but with others it will be 20 years before they renounce their allegiance to the king or potentate of some other country. President Roosevelt has just been 50 years ahead of our times, and he has given you progressive legislation from which this country will benefit for time immemorial.

As to this argument that "Our children are going to pay for it," bah! Our children are not going to pay for it, because we are leaving them a great heritage in building up this country. I do not care whether the debt is \$40,000,000,000 or \$50,000,000,000; we can stand more. This is the greatest and richest country in the world.

Mr. WOLCOTT. Mr. Chairman, will the gentleman yield for a question?

Mr. DICKSTEIN. I yield to the gentleman from Michigan.

Mr. WOLCOTT. I thought the gentleman was being facetious when he said this country could stand an \$80,000,000,000 national debt.

Mr. DICKSTEIN. No; I did not intend to be.

Mr. WOLCOTT. I do not believe the statement should go unchallenged. At the present time the public debt of the United States is a little over \$64,000,000,000. Economists are quite generally agreed that the Federal Government and the State Governments collectively, or collectively the people of the United States, cannot carry an \$80,000,000,000 debt.

In 1933 Senator Costigan, appearing before our committee, was asked a question as to how far he thought we could go in appropriating money before the credit of the United States would be affected. He said he could not answer for

himself, but that the experts had advised him that the Federal Government could create a debt of approximately \$25,000,000,000, but as it approached the \$35,000,000,000 we must be cautious, otherwise we might find ourselves in a condition of semibankruptcy. I believe the record will show that we have gone \$10,000,000,000 beyond what the experts found in 1933 was a safe figure.

Mr. DICKSTEIN. I do not have the figures the gentleman has quoted, and that is not the information I have learned from reading and following the debates and the committee hearings. I believe you are all a group of alarmists. You have just grown accustomed to be alarmed about any and everything. You constantly ask: "How are we going to do this?" and "How are we going to do that?" Can you analyze what has been accomplished in the last 4 or 5 years in the way of human rehabilitation? Can you picture the poverty-stricken people, the bad housing, and the economic troubles of the poor? We have lifted them up, and we have given them a ray of hope and a ray of sunshine. This new lease on life we gave these millions of people is certainly worth the money we spent.

What is the price you place on human life? Do you fix a price or not, or is the money your price? Do you not believe we have brought some help and wealth and good cheer to millions and millions of people who have been suffering and downtrodden? Do you not believe they ought to have homes as good as anyone else has? Do you not believe that we ought to remove all their poor houses and give them an opportunity to be independent and receive something from the Government under which they have worked and brought up their children? If you do not figure on that kind of value, then you may as well turn around and say, "We cannot stand \$40,000,000,000."

Mr. BENDER. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Ohio.

Mr. BENDER. Will the gentleman say whether he was for Roosevelt in 1932?

Mr. DICKSTEIN. I have been for Roosevelt in 1932 and 1936 and will be for Roosevelt in 1940, if it is up to me.

Mr. BENDER. Were you one of the alarmists in that year—

Mr. DICKSTEIN. I was not worried—I was not an alarmist—I just took the facts as I gathered them in talking to most of the people.

Mr. BENDER. Did not the gentleman run on the Democratic platform of 1932?

Mr. DICKSTEIN. Personally, I could run on any platform and win, outside of a Communist platform.

Mr. BENDER. Did not the gentleman run on a platform pledging the cutting of the cost of government 25 percent?

Mr. DICKSTEIN. No; I was not running just because Roosevelt was running. I have been here a long time, and I can come here as long as I want to without anything at all of that sort; but I am a Democrat and I supported Roosevelt because Roosevelt is the greatest humanitarian we have ever had or will have in the history of our country. You cannot get away from it. He is just 50 years ahead of us all. He has done things in 4 or 5 or 7 years it would have taken other administrations and other Presidents 50 years or more to accomplish. That seems to be at the root of all your complaints. The Republicans never actually balanced the Budget. You had not balanced the Budget during the Coolidge or Hoover administration. You have balanced it on paper only.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. Yes; certainly.

Mr. RICH. Does the gentleman mean to say that the Republican Party has never balanced the Budget?

Mr. DICKSTEIN. No; it has not.

Mr. RICH. That is the most ridiculous statement any man could possibly get in the Well of the House of Representatives and make—that is ridiculous.

Mr. DICKSTEIN. I am telling you that your Budget was balanced on paper, and if we want to take up Budget balancing, I think we can do a little Budget balancing right now—just deduct and charge and then recharge, and that is

all you have got to do. [Laughter.] You have not yet, in your arguments, since you have been talking about where we are going to get the money, told us about the wealth of this country, the assets of this country or whether the spending of the \$40,000,000,000 was justified or not. You always talk about the spending, but you do not tell us what the value of human life is which was saved by this spending.

Mr. MURDOCK of Arizona. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. MURDOCK of Arizona. Speaking of balancing the Budget and paying off the national debt, I wonder if there was not about \$1,000,000,000 of debt hanging over this country for 50 years on account of the War between the States. It was an interest-bearing, bonded debt, but the Republican Party and certain businessmen seemed to think that debt a good thing. Why did so many years elapse without any effort being made, during periods of prosperity, when it might easily have been paid, to pay off that debt? Was it unwise to balance the Budget and pay off that debt between 1863 and 1913 when a few profited because of that debt?

Mr. DICKSTEIN. That is exactly what I pointed out a minute ago. They balance it the way they want to balance it, and sometimes you balance the Budget but it is a paper budget and you can squeeze the figures one way or the other. I came here in 1922 and I do not think we have balanced the Budget yet. It is just a matter of a state of mind.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. The gentleman has in mind, of course, the loans made during those years to foreign countries?

Mr. DICKSTEIN. Yes; amounting to eleven or twelve billion dollars.

Mr. LUCE. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I gladly yield to the gentleman from Massachusetts.

Mr. LUCE. First, let me remind the gentleman from Arizona [Mr. MURDOCK] that the debt was reduced by a billion dollars a year immediately after the World War through a series of years, but that is not the reason I took the floor.

I am interested in a business in New York City, the gentleman's city, where the taxes have increased fivefold in 5 years. This, with other circumstances brought about by the policy of the government, has put that business in the "red" for the first time in 50 years. It is hanging between the devil and the deep sea—

Mr. DICKSTEIN. I am ready to answer the gentleman.

Mr. LUCE. Let me say, first, that the ending of that business, which is now threatened, will throw on the streets 100 people. Does not the gentleman think that should be thrown in the balance against the benefits to the working people of the New Deal legislation?

Mr. DICKSTEIN. Wait a minute! What is the cause for it? We have to know more about the situation and the facts before we can judge. We have to find out the reasons that brought about the conditions as the gentleman has stated them. The gentleman is talking about the city of New York, and we have on the average from 100,000 to 200,000 transients that come from all parts of the world and all parts of the United States.

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I yield the gentleman from New York 1 minute more.

Mr. DICKSTEIN. Mr. Chairman, we have from 100,000 to 200,000 strangers who come to our big city every day—among them the poor who have left their homes and who have left their farms. We have not chased anybody out of the city of New York. We have fed them and clothed them and taken care of them and all of these things bring up taxes for the fellow who actually is a citizen and who lives in the city. We have had an unusual situation in the city of New York where thousands of our people have been out of work. How was this condition brought about? It was brought about by the

big fellows owning factories who thought they were paying too many taxes and refused to go on with their business and pay their taxes. My friend talks about paying taxes. He ought to live in Europe where they pay taxes for keeping more than one window, where they all pay taxes for living. We should consider ourselves fortunate to live in a country the Government of which only asks for taxes to be used for the benefit of all its people.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. RICH. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Chairman, I rise only for the purpose of observing that in this day of instability and bewilderment, in these days of legislative welter and confusion, it is really a remarkable thing when some of those who work hard in the interest of the Congress and the country have observed 20 years of service in the same spot. I refer to Arthur Orr, one of the clerks of the Committee on Appropriations, with whom it is my pleasure to have worked on that committee. Today marks the twentieth anniversary of his advent into the legislative service as a clerk to the Committee on Appropriations. That in itself is remarkable. There are those who work behind the scenes, who bring diligence and devotion to their task, and to whom I believe the people of this country are deeply indebted for their fealty and for their fine service. I could not let this opportunity go by without remarking the fact, because too often in our haste we fail in uttering proper encomiums upon those who are not always adequately appreciated. [Applause.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I yield one-half minute to myself to say that I agree thoroughly with what the gentleman from Illinois has just said. Mr. Orr is an efficient and capable clerk to the committee, and I am sure every member of the committee, irrespective of what his party affiliations may be will agree with all that the gentleman from Illinois has stated.

Now, if I might indulge the committee for a moment, I desire to say that the Interior Subcommittee of the Committee on Appropriations also has a very capable and efficient assistant clerk in the person of Mr. Bill Duvall, who has been there some 13 years. He is not only capable and efficient and painstaking, but he is always on the job and I am sure that all members of the Interior Department subcommittee deeply appreciate the excellent way that he has performed the detailed work involved in the preparation of the bill and report. [Applause.]

I yield now to the distinguished gentleman from Texas [Mr. PATMAN].

HEARINGS OF H. R. 1, WHICH PROVIDES FOR A FEDERAL EXCISE TAX ON INTERSTATE CHAIN STORES

Mr. PATMAN. Mr. Chairman, the Ways and Means Committee of the House decided on yesterday to have hearings on H. R. 1, a bill providing for a Federal tax on interstate chain stores, according to the announcement of its chairman the Honorable ROBERT DOUGHTON. The committee of the House is composed of the following Members:

Democrats: Robert L. Doughton, North Carolina, chairman; Thomas H. Cullen, New York; Christopher D. Sullivan, New York; John W. McCormack, Massachusetts; Jere Cooper, Tennessee; John W. Boehne, Jr., Indiana; Wesley E. Disney, Oklahoma; Frank H. Buck, California; Richard M. Duncan, Missouri; John D. Dingell, Michigan; A. Willis Robertson, Virginia; Paul H. Malone, Louisiana; Patrick J. Boland, Pennsylvania; Milton H. West, Texas; Raymond S. McKeough, Illinois.

Republicans: Allen T. Treadway, Massachusetts; Frank Crowther, New York; Harold Knutson, Minnesota; Daniel A. Reed, New York; Roy O. Woodruff, Michigan; Thomas A. Jenkins, Ohio; Donald H. McLean, New Jersey; Bertrand W. Gearhart, California; Frank Carlson, Kansas; Benjamin Jarrett, Pennsylvania.

The subcommittee, appointed by the chairman of the Ways and Means Committee, to conduct the hearings is composed of the following members: McCORMACK, Massachusetts, chairman; BOEHNE, Indiana; DUNCAN, Missouri; DINGELL, Michigan; CROWTHER, New York; KNUTSON, Minnesota; WOODRUFF of Michigan.

TIME OF HEARINGS

Chairman McCORMACK, of this subcommittee, has called a meeting of his committee for March 27, 1940, for the purpose of commencing hearings on H. R. 1. This meeting, I am informed, will be held in the Ways and Means Committee room in the New House Office Building, at 10 o'clock in the morning. No definite time has been agreed upon for the hearings to continue, but I am told by the gentleman from Massachusetts, Mr. McCORMACK, the chairman, that all witnesses for and against the proposal will be allowed an opportunity to present their views.

AFTER HEARINGS

I do not know what the procedure of the committee will be during the hearings nor after the hearings, but I presume after the hearings are concluded by the subcommittee that the hearings will be printed and that the subcommittee will take action either favorable or unfavorable. After the subcommittee has passed upon the question, I presume that the whole committee, having access to the printed hearings, and after considering the testimony before the subcommittee, will take action either favorable or unfavorable. It is my hope that the subcommittee will act favorably and that the whole committee will act favorably and that the bill will be passed at this session of Congress.

DEATH SENTENCE TO MONOPOLY

This bill, H. R. 1, has been very much misrepresented. It is pictured as a bill which will inflict the death penalty upon the chain-store system in this country. The truth is, there are more than 7,000 chain-store concerns in the United States engaged in the retail business, and this bill, if enacted into law like it is now, will not seriously affect more than 20 of these more than 7,000 chain-store concerns. The object of the bill is to prevent further concentration of wealth into the hands of a few people and to distribute privileges and opportunities. It will be a death sentence to monopoly.

OBJECTIONS TO INTERSTATE CHAINS

We never had Federal relief until the interstate chain-store system drained the local communities of this Nation dry and thereby destroyed their local reservoirs of credit.

We did not have a serious unemployment problem until the interstate chain-store system obtained so much control over retail distribution in the local communities.

Farmers have never fared so badly as they have since the interstate chain-store system obtained control of so much of their market.

Any benefits or advantages claimed for the interstate chain stores will still be available to the people through the local chains, if this bill should become a law.

The question of concentration of wealth and economic power is a serious one. We live in a democracy. We are proud of our form of Government, yet we are sometimes powerless to cope with large corporations and especially those that enjoy or have the privilege of exercising a monopoly.

WITH \$1, \$7 CREATED

A few men who own a few banks in one city have control over more than 60 percent of the excess reserves in the banks of this country. That means for every \$1 that they have in excess reserve they can extend loans equal to \$7. In other words, they will receive interest on \$7 for every \$1 that they have. If the people, who have these deposits created by these loans, should call upon these banks for the money, the Bureau of Engraving and Printing at Washington would issue to them currency, greenbacks, or whatever you want to call our paper money, to pay the depositors of these banks. The money issued is an obligation of the Government of the United States and represents a mortgage on the property of all the people of this Nation. This power has been abused until most of the property is now in control of a very few men who own and control a few corporations, and now these few men are trying to get control of all the privileges and opportunities in this Nation, including retail distribution. They should not be allowed to do it.

WHY INTERSTATE CHAINS BAD

I doubt that even a monarchy, or a dictatorship, would permit monopoly to run roughshod over the people as we are permitting it here in America. Do you know of any other of the 52 countries of the world that allows a few to control retail distribution? I know we have had other serious problems to consider, and have solved them in a satisfactory way, and now we must deal with the problem of monopoly.

An interstate chain-store system causes the following:

- First. Unemployment, relief, and destruction of opportunities for young and old.
- Second. Destruction of local communities.
- Third. Creates monopoly.
- Fourth. Destroys the price of farm products and keeps the national income low.
- Fifth. Destroys the local banks.
- Sixth. Destroys the local printing shops.
- Seventh. Destroys the local insurance agencies and local insurance companies.
- Eighth. Causes regimentation of business by a few New York executives.

Ninth. Takes net profits away from local communities, thereby destroying the local reservoir of credit, and creates credit and money concentration into the hands of a few.

If the interstate chain-store system is saving the consumers of America money, these consumers will be able to obtain the same savings in the future, if this bill becomes a law, through the local and sectional chains. The local and sectional chains that do not cross State lines and the ones that keep their money at home, and certainly within one State or one section, have any and all benefits or advantages that are claimed for the interstate chains.

Is it real economy to save \$1 as a purchaser or as a consumer by making your purchase from an interstate chain store if such a saving is possible when such a system will cost you, as a taxpayer, \$3 or more to take care of the unemployed people and to afford the relief that has been caused by the \$1 saving?

There are social, as well as economic, reasons why the interstate chain-store system is bad and should be stopped in this country now.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I yield 15 minutes to the gentleman from Kansas [Mr. Houston].

Mr. HOUSTON. Mr. Chairman, I thank the subcommittee of the Committee on Appropriations having in charge the Interior Department appropriation bill, for giving me this time this afternoon. I know that that committee has worked hard and that the hour is getting late. I am glad to see there are about 400 Members of Congress present this afternoon. I rise to discuss a matter for a few minutes that is very rarely dragged out into the open, but it is a problem that should be brought out and on which light should be shed. We have just concluded our hearings on the Labor-Social Security-Public Health appropriation bill. The bill has not yet been marked up. There are several items in that bill that I think the Congress will be tremendously interested in. I am not going into the detail of all of them. I think the C. C. C. proposed reduction is one of them; the N. Y. A. is another. But I am also interested and disappointed in the lowering of the authorization from \$7,000,000 to an appropriation of \$3,000,000 for the control of venereal diseases for the fiscal year of 1941. I know syphilis is not a very popular subject. Nevertheless, I am willing to address myself to that subject for the next few minutes.

Mr. Chairman, almost 3 years ago I stood on the floor of this House and made a speech for economy—the most rigid economy America could practice. Today, I want to speak again for that rigid economy.

Three years ago, I also stood on this floor and made a speech for an appropriation. I want to make such a speech again.

And, as I did in 1937, I want to point out that economy and appropriations are not inconsistent, because I am speaking of

the budget for health; for the control of the venereal diseases, and there are credit items in that ledger.

In social-welfare terms, those credit items are such things as the better physical and mental health of our people, more of a chance of happiness in family and personal life for many of our people, and more of a chance for a full and healthy life for many of our children by saving them from congenital syphilis.

In more hard-boiled dollars-and-cents terms, those credit items are investments in diagnostic and treatment facilities for syphilis and gonorrhea, investments in training of personnel, and in plans—long-range plans—for the future, looking to the ultimate eradication of syphilis and gonorrhea as public-health problems.

What made possible these credit items and these investments? What gives us hope that syphilis and gonorrhea need not be perpetual plagues?

The answer is twofold. An aroused public opinion, looking the facts squarely in the face, has said—and continues to say—that every resource at the command of our public-health fighters must be used to wipe syphilis and gonorrhea from the land. As a result of this demand, Members of the House will recall that the Congress of the United States passed the La Follette-Bulwinkle Venereal Disease Control Act, which was signed by the President on May 24, 1938. This congressional enactment has been the stimulus and the basic ammunition by means of which we have begun to make progress against the inroads of the venereal diseases.

We now have before us an appropriation under the terms of this bill, the purpose of which is to control the venereal diseases. In my opinion, and for the reasons I will outline in a moment, I am firmly convinced that the \$7,000,000 originally authorized by Congress for the third year of this Nation-wide campaign should be appropriated—the totally inadequate sum of \$3,000,000 suggested in the Budget would not only arrest progress but would completely wreck the control programs now operating in many States. I am in favor of at least the amount authorized for 1940–41 by the La Follette-Bulwinkle Act in 1938. If we are to feel that we have seriously discharged our duties in protecting the public health, we would vote for the \$25,000,000 originally recommended by health and medical experts from every part of the country on the assumption that another twenty-five million would be provided by the States and Territories.

Before I point out some of the ways in which real progress against syphilis and gonorrhea has been made, let me refresh in your minds the needs we recognized in 1938 by passing the Venereal Disease Control Act.

Careful 1-day spot surveys, examination of clinic records, review of cases reported to public-health agencies indicate that each year at least half a million new infections of syphilis and another 500,000 old cases are discovered. Figures for gonorrhea are more difficult to assemble, but every estimate indicates many more than a million new cases annually should receive medical care.

More than 100,000 persons die each year from syphilis. One in 10 cases of insanity is due to syphilis. One in every seven cases of blindness is a result of syphilis. Each year 25,000 babies die or are stillborn as a result of syphilitic infection of the mother. More than 60,000 children are born with syphilis.

At the present time there are in America probably 10,000,000 persons who have or have had syphilis, yet less than one-half of all of these cases sought treatment or were recognized during the first year of their infection. And more than one-half of these infections were acquired before the persons were 25 years old.

We've been talking about economy a lot lately. What price these million cases of syphilis we have on our hands each year?

I am well aware that in urging continuance of this fight on syphilis I am recommending a program which will cost money. And I am recommending it in the face of a political trend toward economy. There is no paradox in that—for it is good economics to fight syphilis. It is cheaper for us

to provide adequate facilities for controlling syphilis and gonorrhea and eradicating these diseases as community-health problems than it is for us to let syphilis go. Syphilis costs us money today.

In our State institutions for mental disease there are 18,700 cases of general paralysis of the insane—known medically as paresis and just one of the late complications of syphilis. American taxpayers spend \$14,000,000 every year to care for these cases.

Nor is \$14,000,000 for care of syphilitic insane in 171 State hospitals the whole story. Private institutions care for about 8,000 new cases every year. A total of 43,000 beds are maintained in American hospitals for syphilitic mental and nervous cases. The cost, assuming that the average is the low \$2 a day for public institutions, is over \$31,400,000 every year.

Add to these figures, at a very conservative estimate, the \$10,000,000 which is spent annually for the institutional care of the syphilitic blind.

Though difficult to estimate, one might well consider costs of the end results of syphilis, the cost to the families of victims, the maintenance of indigent wives and children, the loss in purchasing power that would have made these sufferers useful members of society. These things are really part of the cost.

We ought to include also an estimate for the cost of the care of cardiovascular syphilis—the deadliest form of heart disease which results in 40,000 deaths each year. The cost of the care of 60,000 children born every year with congenital syphilis; the millions of dollars wasted on useless quack nostrums; the cost of routine care and treatment of syphilis are all part of the total bill the people are now needlessly paying because of our lack of control of this single disease.

But leaving all these costs out of the picture, merely consider, if you will, the items for the care of syphilitic insanity and blindness as reflected in institutional care—a minimum figure. It totals more than \$40,000,000, almost twice what authorities have estimated for Federal participation in the control of syphilis; more than five times larger than the authorization by the Congress for the fiscal year 1940–41.

Money devoted to the fight against syphilis and gonorrhea is not spent; it is invested.

For the fiscal year 1938–39 the Federal Government appropriated \$3,000,000 under the Venereal Disease Control Act. Of this total, \$2,400,000 was allotted to State health departments. The remainder was used for fundamental research and field demonstrations. The sum made available to States was supplemented by \$4,300,000 in State and local funds. State and local governments more than matched the \$5,000,000 Federal appropriation in 1940 by raising more than \$7,000,000.

Gentlemen, let me point out two important facts with regard to these figures. First, many of the State and local funds made available for venereal-disease control are new appropriations, funds stimulated because of the availability of Federal assistance. Second, the fact that State and local funds are almost double the Federal share is indication of the need for the development of essential facilities and services in the communities, and is based on the declared intention of the Congress to continue Federal assistance over a period of years.

I want to remark in passing, the health officer of one of the States said in the hearing this morning that they had 430,000 known cases of syphilis in that one State.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. HOUSTON. I will be glad to yield.

Mr. JOHNSON of Oklahoma. The gentleman is making a very informative speech, and I am sure we all appreciate what he has said. The gentleman, however, is too modest to state what else was said at the hearing this morning. If the gentleman will permit, it was stated this morning that the speech made by the gentleman after much investigation and research 3 years ago was sent over the entire United States and was distributed more than any other speech ever

made in Congress on the same subject. I desire to congratulate the gentleman on the fine work he has done on that subject. [Applause.]

Mr. HOUSTON. I thank the gentleman from Oklahoma very kindly.

Now, what has been done with these funds? We can measure to a significant degree progress they have made possible.

During the fiscal year 1938 State health departments reported 3,600,000 blood tests. This figure had risen by 55 percent during the fiscal year 1939, the first year in which Federal venereal-disease-control funds were available, to a total of 5,600,000.

State health departments reported 1,746 venereal-disease clinics as functioning in 1938. By June 30, 1939, there were 2,405 clinics in operation, an increase of 38 percent.

For the fiscal year 1939 State health departments reported that 315,000 patients were brought under treatment for the first time in clinics. This number was 59 percent higher than the total of 197,000 reported the previous year.

The clinics cooperating and reporting through State health departments to the United States Public Health Service in the fiscal year 1937–38 administered 5,200,000 treatments for the venereal diseases. In 1938–39 clinics gave 53 percent more treatments, or 8,000,000. However, doses of arsenical drugs actually used in clinics for syphilis treatment increased by 71 percent during the same period.

While these are only a few statistical items which can be directly measured, they do indicate clearly that the aid which the Federal Government has given to the States has started us toward the control of the venereal diseases.

But let us state this progress in specific human terms. For example, let us consider the effect, in the conservation of human resources, of Federal assistance to the States for clinic treatments—only one of the several ways these funds have been used, which include development of better health-department units specially trained in venereal-disease control, postgraduate training courses for private practitioners and clinic physicians, the highly important public education campaign, and the making available of laboratory facilities and anti-venereal-disease drugs to all physicians.

Venereal-disease clinics in 1938 discharged 78,000 persons with their infection arrested or cured. This means that those people have been under treatment for a sufficient period of time to obtain maximum benefits. I understand from what authorities tell me that for syphilis a patient should be under continual treatment or observation for almost 2 years before he can be considered as having received adequate treatment. This number was almost 32 percent higher in 1939, and 103,000 persons were discharged as cured or with their infection arrested.

These facts indicate that the venereal-disease-control program is a program of conservation of our human resources.

There is one aspect of this consideration of progress to which I want to call the attention of the House. I feel it is unnecessary and unwise to continue to think in terms of ever-increasing numbers of patients admitted to clinics or released from clinics. The program now under way in the United States will soon reach the saturation point in this regard. Its efficiency in getting people to treatment sources has been demonstrated, but the important thing, to my mind, is the quality of treatment rendered and the success with which patients are kept under treatment for the full period necessary.

When the statistics show that all patients are under treatment the program for the control of the venereal diseases will not be over and the necessity of Federal support will not end. It makes little difference to me, as a layman, whether there are 250,000 or 50,000 new cases a year. I know that even a small number of untreated or badly treated cases is a threat to the health of my community, and that without adequate treatment the number will rapidly mount to staggering proportions.

The course of the public-health program seems clear. It must be continued today with vigor and funds to reduce as

rapidly as possible the large number of present cases, and it must develop permanent facilities and skill which will make it possible to hold, by good treatment, the number of cases at a reasonable level with a reasonable expenditure.

Substantial progress has been made, and I think the hard-working, unselfish men and women of the medical and public health and other professions have a lot of credit coming to them. But this is only the beginning, and they cannot continue their work and even begin to stem the tide of the great plagues unless Federal support is continued.

The Members of this House should stand behind their pledge to the States and to the American people that the Venereal Disease Control Act of May 24, 1938, meant a continuing program of Federal-State cooperation, and should appropriate for venereal-disease control for the next fiscal year the authorized sum of \$7,000,000. If we cut the sum even to the figure authorized and appropriated for the current year we will be giving the germs of syphilis and gonorrhea an advantage for which we will pay dearly in the future. If we cut the sum to the \$3,000,000 proposed in the Budget, we will be practically throwing into the ash heap all of the progress so painstakingly and effectively gained during the past 2 years.

We have concrete evidence that in your community and in my community syphilis is on the way out and gonorrhea is at last on the defensive. We owe it to the future of our citizens, to the well-being of the children yet to be born, to make possible the continued vigorous attack on this menace to a healthy America. The least we can do is to vote for the appropriation of the \$7,000,000 we are all agreed in 1938 was the minimum for the Federal fiscal year 1941 if we are to end our needless sacrifices to the germs of syphilis and of gonorrhea. [Applause.]

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. CARTER].

Mr. CARTER. Mr. Chairman, this bill appropriating \$119,057,464.05, the Interior Department appropriation bill, covers a multitude of interests throughout the United States.

Time today will not permit me to touch on many of these interests, but I do want to say a word about the reclamation appropriations carried in the bill.

First, permit me to say that the hearings extended over a number of weeks. Dozens of witnesses appeared before this subcommittee. Among those witnesses were 51 Members of the House of Representatives. It may be interesting to you to know that of the 51 Members, 50 were there asking for increases in appropriations. One lone soul had the hardihood and temerity to ask for a reduction. [Laughter and applause.]

I want to say that, while this bill appropriates more money than it would have appropriated had I had my way entirely, I think the subcommittee as a whole has done a very good job.

I want to pay my respects to the gentleman from Oklahoma, the acting chairman of the subcommittee [Mr. JOHNSON], and other Members of the majority party for their very considerate treatment of us who constitute the minority. They were generous. Partisanship was not displayed at any time. We all sat down and exercised our own best judgments.

I also want to compliment Mr. William Duvall, clerk of the committee, for the very splendid and efficient service that he has rendered this committee in the preparation of this bill.

There has recently taken place in the State of California a very devastating and damaging flood. I have before me the Washington Post of Thursday, February 29, showing a picture taken in northern California, the floodwaters covering a large area, reaching nearly to the eaves of the houses. That flood took place in an area downstream from where there is now being constructed what we call the Shasta Dam, a part of the great Central Valley water project. Had that dam been in existence, instead of only partially completed, this destruction would not have descended upon the valley below.

That is one value of the reclamation work that is being carried on.

In connection with consideration of the Department of the Interior appropriation bill for 1941, I desire to stress the importance to the West and to the country as a whole of the items proposed for the Bureau of Reclamation. In order that I might be in a position to inform this body of salient facts, I have raised the hood of this effective governmental machine we call Federal reclamation to see what makes its wheels go round.

In pursuance of this quest for authentic information two questions vital to 15,000,000 people west of the one hundredth meridian—in fact, to 130,000,000 Americans—have been raised:

First. Are we advancing the Federal reclamation program as rapidly as the pressing needs for water conservation and irrigated land demand?

Second. How does electric power fit into Federal reclamation and are the power developments justified by present and prospective markets?

Before entering into a brief discussion of the facts involved in frank answers to these questions, I will digress to remind you that reclamation has always been nonpartisan. It originated under the leadership of that great exponent of conservation of the land and water resources of the West—President Theodore Roosevelt. In the 38 years of its operations it has had the support of every administration—Republican and Democratic.

The national conventions of both parties time and again have approved the policy and urged its continuance. Successors of Theodore Roosevelt in the White House have praised its achievements and vigorously defended its objectives. Great impetus has been given reclamation by the present occupant of the White House, Franklin D. Roosevelt.

The record is cited by way of emphasizing that this constructive governmental policy has always had a national significance. I do not mean to suggest that the program has not been without opposition. But, as my fellow Californian, former President Herbert Hoover, wrote to western Governors in 1930:

If the fundamental facts are properly appraised, it seems certain that the arguments of opponents of Federal reclamation will find satisfactory answer and that they will no longer countenance the misleading information that is now being broadcast through various agencies.

President Coolidge had previously—in 1924—exploded attacks on the program by which it was sought to halt further construction because of agricultural distress in other sections of the country. He and Mr. Hoover pointed out that crops produced on reclamation projects are consumed principally in the West. Mr. Hoover asserted the projects—

Furnish extensive markets for manufactured products as well as farm products not raised under irrigation and thus seem to afford material benefits, rather than detriment, to other sections.

I will not burden the RECORD with quotations from other Presidents of the United States, who from time to time have taken occasion to give their support to Federal reclamation. If there is a desire on the part of my colleagues to be more thoroughly informed, I respectfully refer you to Senate Document No. 36, Seventy-sixth Congress, first session, which presents a summary of quotations from Presidents—from Theodore to Franklin D. Roosevelt—as well as other valuable information. The platforms of the Democratic and Republican Parties from 1900 on endorsing the program will likewise be informative.

There has not been a day since 1902 when Federal reclamation has not justified itself and the claims of its proponents. Take a look at the map of the 15 Western States in which projects are located and you will see that these enterprises are what has been described as veritable oases in the desert. They have created more than 50,000 farms on which nearly a quarter of a million persons reside and which are the main support of some 250 cities and towns with a population three times that of the rural areas. In all, something like a million persons are dependent on reclamation farms.

The purchasing power of more than \$200,000,000 annually sent eastward that is directly traceable to reclamation crop production aids in turning the factory wheels of the Middle West, the East, and the South. The farms of the humid sections of the country supply the irrigated areas with crops not produced under ditches.

I suggest that our friends from the manufacturing and agricultural areas east of the one hundredth meridian compare the \$200,000,000 annual market in reclamation-project areas of the West with the foreign trade of the United States with most of the countries with which we do business. What expansion of reclamation will do in the way of enlarging the home market for American products needs no emphasis.

The impression that reclamation is devoted solely to bringing new land into cultivation is erroneous and a word as to this phase of the program is in the interest of clarification. In the building of a western civilization on irrigation, private capital in many instances failed to provide adequate water supplies. Droughts and changes in agricultural methods have had their effect on water available, with the result that the collapse of established communities, rural and urban, has been threatened in many of the Western States.

In situations of this kind the Federal reclamation program has been expanded to save investments of hundreds of millions of dollars and the homes of scores of thousands of farmers. The beneficial effects on cities and towns that rely upon the agriculture of these areas is apparent.

At the present time the Bureau of Reclamation is providing supplemental water for something like 1,500,000 acres—an area almost as large as that which is wholly dependent for its supply on Federal works.

Under the existing program of the Bureau, I am informed, the area that will ultimately receive supplemental water approximates the entire new acreage that will have been brought under cultivation—about 4,500,000 acres. Therefore, it is important to remember that Federal reclamation is not only building new communities but tends to stabilize existing agricultural and urban areas that have been the backbone of the Nation's last frontier.

Of personal knowledge, I can speak for the pressing need of expediting completion of the Central Valley project, to which I have already referred, in California. The future of a million persons and of vast property values is dependent upon a stabilized water supply for the San Joaquin Valley, where I was born—if you will pardon a personal allusion. That the cost of this project will be repaid by the water users and power consumers of central California is only half of the story. The rehabilitation of taxable values and the assurance of a continuance of communities of taxpayers are worth far more.

In practically every Western State there are similar situations that demand attention and illustrate the pressing need for advancement of Federal reclamation.

Another phase of reclamation operations is the demand for newly irrigated land. This comes from the normal expansion of the agricultural population of the West plus the influx of farm families from the Great Plains and other drought areas. Recurrence of critical droughts east of the Rocky Mountains have spurred migrations anew and, instead of receding, the waves give evidence of continuing unabated.

With experts of the Department of Agriculture estimating that in the last decade 150,000 migrant families have come into the three Pacific Coast States and Idaho, some idea of the magnitude of the problem may be obtained. As most of these families have a farm background, the place for them is on the soil. There has been some suggestion that since these estimates are based on reports from school children, the number of homeless farm families that have come west may greatly exceed the figures given.

But whatever the number, the acreage of irrigated land available for settlement has been sufficient for the placement of only a handful of the newcomers. As a matter of

fact, if all the area the Federal reclamation program will bring into cultivation in the next 20 years were now available, it would be inadequate to provide a 40-acre tract for part of the 110,000 migrant families that are in California alone.

You may ask why the Federal Government should be concerned with getting these people settled where they may become self-supporting. To get one answer you have only to refer to tabulations of the former National Emergency Council and the Office of Government Reports. These show that the relief expenditures in the Mountain and Pacific States from the Federal Treasury during the 7 years ending June 30, 1939, totaled \$1,341,000,000, or 25 percent more than the normal population would require. The excess has been due to the necessity of caring for homeless newcomers.

Compare this drain on the Federal Treasury with results that are obtainable from the construction of reclamation projects. First, there are few if any reclamation farmers on relief. Secondly, the relief expenditures in California alone of \$597,000,000 in the 7-year period would have given employment for tens of thousands of persons in the construction of three projects the size of Central Valley and opportunities for settlement would have been provided for many thousands of homeless farm families.

In passing I will call attention to the absence from this appropriation bill of provision for continuing the Great Plains water-conservation program inaugurated last year. As a means of anchoring farm families in those areas most seriously affected by continuing droughts and thus alleviating pressure on the West from newly migrating families, no more constructive move has been made. Every friend of reclamation will welcome the opportunity of supporting this water-conservation program.

From the more or less sketchy review of conditions that are confronting the arid and semiarid States, I believe I have demonstrated that we are not yet providing for reclamation developments as rapidly as the pressing needs require. The solution is to provide adequate reimbursable construction funds that will offer opportunities for the settlement of homeless farm families, for the establishment and maintenance of taxable values, and for reducing, if not eliminating, the drain on the Federal Treasury for relief.

ELECTRIC POWER IN THE RECLAMATION PROGRAM

I will now turn to a brief discussion of the place hydroelectric power has in the Federal reclamation program.

Development of water power, where feasible, in connection with irrigation has been recognized from the outset as a means of furthering the national reclamation policy. The maximum conservation and utilization of the limited water resources of the West demand that, where feasible, advantage be taken of the power head created by storage dams.

The use of stored water obtained by passing it through the turbines en route to the land to be irrigated does not diminish its value for irrigation, but it greatly increases the over-all efficiency of a project. Power for pumping is also an important consideration in many projects.

No Federal reclamation project has been constructed solely for the production of power, although the anticipated receipts from this source are a vital factor in the financial set-up of the program. It is indicated that approximately half of the entire cost of the reclamation program as now laid out will be repaid from power revenues.

I have heard questions raised about the market for electric power in the West. I am pleased to advise you that the demand for power bids fair to exceed the existing capacity and planned installations by Federal agencies and private utilities.

Take the case of Boulder Dam, where the generation of power is combined with flood control and storage of water for irrigation and domestic water supply in southern California. The installation of generating equipment is far ahead of the schedule due to the requirements of private utilities, the city of Los Angeles, and other municipalities. The Bureau of Reclamation is being pressed to speed up additional installations to take care of the demand.

Although Boulder began operating only in 1936, the electric energy it produced during the calendar year 1939 exceeded the total energy generated in the three States of the Pacific coast in 1912.

In the quarter of a century from 1912 to 1937 the production of electric energy on the Pacific coast increased more than sixfold. Total electric capacity increased about fivefold.

As 90 percent of the power which will be produced on Federal reclamation projects will be utilized on the Pacific coast, a word as to the present and future markets may be informative. Based on the demands for Boulder Dam power in 3 years, there can be no doubt of a market for all of the energy that project can produce.

The growth in consumption of power in central California has kept pace with that in the southern part of the State and there is now some doubt if power from Shasta Dam on the Central Valley project will be available in time to meet an anticipated deficit in that section. It is my understanding that a private utility is prepared to take the entire output of Shasta Dam power plant not required for pumping purposes. Regardless of the method of distribution—whether by private or public agencies—there will be need for the new supply.

In the Pacific Northwest in the last 25 years the production of electric energy increased 700 percent and the installed capacity nearly 400 percent. The complete installations at Bonneville, on the Columbia River, constructed by the Army engineers, and at Grand Coulee, 250 miles farther up the stream, and a reclamation project, will increase the capacity in the area only 150 percent.

Based on the record of a quarter of a century, it would appear reasonable to forecast that the Pacific Northwest will absorb all of the additional power Bonneville and Grand Coulee will produce by the time the last installations of generating equipment are made at the latter project, as proposed in present installation programs, some 20 years hence. The rate of growth of the market need be only half of what it has been in the preceding two and a half decades to bring this result.

That reclamation projects themselves provide a market for power has long been recognized. A private-utility official in California in the twenties remarked that for every successful irrigated farm he could count two customers in the cities and towns nearby. Consequently a substantial contributor to the market in the Pacific Northwest will be some 30,000 farms to be brought into cultivation as the construction of Grand Coulee is advanced.

Another phase of the market in the Pacific Northwest lies in the prospective industrial development along the Columbia River. The Aluminum Co. of America recently contracted for 30,000 kilowatts of power from Bonneville, and the Sierra Iron Co. plans the installation of an iron and steel plant using electric furnaces that in 2 years is expected to absorb an additional 30,000 kilowatts. While these operations are relatively small, they presage a greatly enlarged industrial market for the entire Pacific coast.

Further, it has been estimated by metallurgical experts that there are, in the Pacific Northwest, minerals for the processing of which 40 percent of the firm power of Grand Coulee would be required for 30 years.

The prospective demand for electric power from reclamation projects is not confined to the Pacific coast, however. As soon as it was known that power would be available from Elephant Butte Dam on the Rio Grande River, there were immediate application from Texas and New Mexico for more than twice the prospective output.

Demands for power in the Colorado-Wyoming area will make possible prompt disposal of the production from the newly completed Kendrick project in Wyoming.

As the Bureau of Reclamation is the pioneer Federal agency in the development of multiple-purpose projects involving electric power, its record as a construction and operating agency is interesting. Before the Congress in 1928 entrusted it with the construction of Boulder Dam, it had served an apprenticeship in connection with the construction and operation of a score of small plants on a dozen projects in the

West. While the total capacity of these projects, some of which are now operated by water-user organizations, was only 115,000 kilowatts, the success of the undertakings served as a foundation for the present broad developments of power in connection with reclamation projects.

When projects under construction are completed, the Bureau will have under its supervision some 4,200,000 kilowatts—a volume approximating the present installed capacity of all publicly and privately owned hydro and steam-generating plants on the Pacific coast. This figure compares with the total capacity on the Pacific coast of less than 900,000 kilowatts in 1912.

In the field of operation of hydroelectric plants in connection with projects now under construction, the Bureau of Reclamation is governed by the Reclamation Project Act of 1939. In the sale of electric power, preference must be given to municipalities and other public agencies as well as cooperatives. The preference is in the right to buy and not in price schedules. The principle of this provision was written into the law as far back as 1910, soon after power was first produced on projects.

Since the Bureau must return to the United States the cost of projects, it has a responsibility of obtaining a fair return in the sale of power and in securing the widest possible public benefits from the development. It acts as a wholesale agency. Of nearly 100 contracts for the sale of power from reclamation projects, approximately one-half are with non-public agencies and half with public agencies.

In the interest of brevity, I have not gone into all of the details of the place power has in the Federal reclamation program. Yet I feel the picture presented shows conclusively that the double use of water, where feasible, is in the interest of economy and efficiency.

As for the market for electric power, based on the record of the last quarter of a century and the continually increasing demands, a conservative observer may be pardoned for wondering if the Pacific coast will not be confronted with a power shortage before all the new generating equipment in reclamation projects will be producing electric energy. [Applause.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I yield to the gentleman from Arizona [Mr. MURDOCK] such time as he may desire.

Mr. MURDOCK of Arizona. Mr. Chairman, I have sought time today for the same purpose as the gentleman from California [Mr. CARTER], who just preceded me, to speak on the bill, and with special reference to the matter of reclamation. Reclamation is a great cause with us and deserves our unstinted support.

I want to be somewhat complimentary, too, in regard to the work of the subcommittee and certain others in connection with the reclamation part of the bill. Although I deplore the committee's reduction on the Parker project, I do very heartily approve the amount inserted for further construction at Boulder Dam. Last year I urged an appropriation to build a line from Parker Dam to Phoenix, as some members of the subcommittee will recall. That power needed in central Arizona must come either from Boulder Dam or from a power plant to be constructed at the Parker Dam. Both developments must be carried on.

We have complimented the chairmen of committees and clerks of committees. I want to say a word with respect to the Chief of the Bureau of Reclamation. I refer now to Commissioner John Page, a scientific man, a western man thoroughly acquainted with the significance of his important agency, a man of broad vision who takes in the entire scope of reclamation in a dozen States and makes his recommendations before the Bureau of the Budget and before the committee accordingly. It is regrettable that his recommendations could not be followed completely.

If I had my own way more money would be appropriated, but I am sure the committee has done a good job within the framework of the spirit of economy manifested in the Bureau of the Budget itself, noted in this House, and apparently demanded by the times. The great cause of

reclamation has made possible the new West. The hydraulic engineer has made over the wild West of a former generation in somewhat the same way, modernizing it exactly as the construction engineer has modernized our great cities, and I would like to pay a compliment to them. What has already been done, of course, is but a beginning and we shall do much greater things.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield briefly?

Mr. MURDOCK of Arizona. I shall be glad to yield to my friend from southern California.

Mr. VOORHIS of California. Does the gentleman believe that this work of reclamation is of special importance right at this time as a means of making possible the settlement on good lands of at least some of the thousands of people who have come to his State and mine in recent years largely as a result of the exhaustion of soil fertility and changes in agricultural methods in other parts of the country?

Mr. MURDOCK of Arizona. The gentleman from California is exactly correct. For a number of years now thousands of families have been heading westward, especially into Arizona and California, seeking new homes, as he and I told the President in the spring of 1937. The gentleman will remember that in the conversation which he told the President of the many destitute farm families fleeing from the Dust Bowl and trying to get into southern California, I also pointed out that in their effort to do so they crossed southern Arizona and that many of them stopped in the warm agricultural valleys of my State.

That process is going on today about as it was when we spoke to the President in 1937 and the need of doing something for these migrants is as imperative now as it was then. Certainly, that is one phase of reclamation need which must not be overlooked. It is a phase of short-time program in contrast to our long-range program of reclamation. For the benefit of the people we have in mind, water must be put on the land as soon as possible.

Although I wish to compliment the committee on drafting this Interior appropriation bill, I am worried about the reductions and also omissions. Of course, I am assuming that the committee took into consideration an unexpended balance for the Gila project which the committee regarded as sufficient to carry on the work for the coming year. Such unexpended balance may be sufficient to continue the work on that project for 1 year at the same rate of construction which has prevailed thus far, or nearly at that rate, but I want to go on record as saying that the rate of progress on this highly important and internationally strategic project has not been fast enough.

Let it not be forgotten that in this project down in Yuma County we are doing more than working toward completion of just another irrigation project. We are in fact working against time and we are competing with an active neighbor on the south for the legal use of a portion of the waters of the Colorado River. If we do not establish our legal claim by appropriation and beneficial use of that water, the legal right will be lost forever to Mexico.

We ought also to consider those irrigation projects which are under the Indian Bureau, as they are about as important as the projects under the Reclamation Bureau. The Nation has cause to be proud of the Coolidge Dam and the great San Carlos Indian project watered by it. On March 4, 1930, when ex-President Calvin Coolidge dedicated the Coolidge Dam in a very appropriate manner, he had associated with him on the speaking program a full-blood Pima Indian, who made one of the best speeches I have ever heard. This spokesman for the Pimas had a complete grasp of the entire situation. He knew what his people had meant to the Government for nearly 100 years. He knew how much the Government was indebted to the friendly Pimas, and he expressed deep appreciation for the construction of the Coolidge Dam, which saved his people from starving out.

He did not ask that the Government take away from the farmers along the upper Gila in Graham County the water which they had diverted from the stream onto their farms,

although by so doing the farmers had dried up the river and virtually left the Indian farmers to starve. However, the Pima spokesman did rejoice at the fulfillment of a long-deferred hope which he thought would be realized in the Coolidge Dam. It would catch the floodwaters and store them until needed on the farms of the Pimas below the dam. Nor did the Pima object to the fact that half of the stored water was to be put on land belonging to white settlers. Only a part of that hope was realized in the Coolidge Dam.

And now this uncompleted project is sorely in need of more storage capacity because of the prolonged drought in that region and for other reasons. If I had been writing this appropriation bill, I should have written in a suitable sum for the beginning of work on a storage dam on the Gila River below the Coolidge Dam and below the entrance of the San Pedro River. I cannot find either time or words to express myself adequately in regard to this imperative need. I appreciate the short time allotted me today to call it to your attention.

Mr. RICH. Mr. Chairman, I yield myself such time as I desire, but I do not expect to use more than half an hour. It was stated a few moments ago that there were 400 Members in the House, but there were only 29, by actual count, and now there are less than 29. I think it would be most ridiculous to talk to the four walls, but I do want to say to those who remain—and it will be seen by the others in the RECORD—that so far as our work in the Appropriations subcommittee this year was concerned, there was more harmony and more of an effort on the part of the members of the subcommittee to work together and economize in spending Government funds. I really commend them to the House for the work they have done. We on that committee are all friends, yet we have our little spats and fights and differ quite a bit in the things we try to do. The majority of the members of that subcommittee are interested in things that pertain to the West, and most of this money is spent in the West, yet I come from the old eastern State of Pennsylvania, where we pay the bills for those who take the money out there, so you could not expect me to do other than object to a great deal of this expenditure when it goes mostly to the country west of the Mississippi River.

The bill carries something more than \$119,000,000, but there is no reason under the sun why we could not cut another \$10,000,000 or \$12,000,000 from it without doing injustice to any of our people, yet it certainly would aid and assist the Treasury. As you all know it needs assistance, it is an empty barrel. Being in the minority, however, and being outvoted, I had to submit. I could not do any more.

We have taken from the Interior Department the Office of Education, the United States Housing Authority, and the National Park Service. We have added to the Interior Department the Bureau of Fisheries, the Bureau of Insular Affairs, the Bureau of Biological Survey, and the United States High Commissioner of the Philippine Islands. With these changes we find quite a good deal of difference in the bill itself as compared with last year, but I call particular attention to another fact which really is astounding so far as the Interior Department is concerned: In 1933 the Interior Department had 19,600 employees. Today it has 47,000, an increase of 135 percent in 7 years.

This was due to the fact that Congress a few years ago placed in the hands of the President of the United States \$4,880,000,000. That was the start. Since then they have given him over \$17,000,000,000 to spend, and with it he has increased the number of national parks, he has increased the Reclamation Service, he has built dams and other great structures, buildings, and incidental things which in the future will require large added expense. The employee population of the Interior Department will continue to grow unless we do something to stop the increase. As a matter of fact, increase will continue in every branch of the Government service.

It is not the function of government to do everything we think ought to be done by the people of this country. If the Government is to do everything, what is left for private

initiative? Why should the States do anything? Why should the counties or municipal subdivisions do anything? Why should individual citizens do anything? We must reverse this trend; we must encourage the citizens to apply their initiative, their ingenuity, their brains, and their brawn to doing things for themselves. We must restore to people and to communities the pride of having done something for themselves so they will appreciate more what they receive. Anything worth having is worth working for.

Why do not the Western States do some things for themselves? Why do they come here to Washington, D. C., for all their wants and needs?

It is getting to be a racket, as I see it—both West and South. To prove it look at the table placed in the RECORD some time ago by the gentleman from New York (Mr. COLE) showing the amount of taxes for each individual in each State per capita, and the amount each State received per capita, and it tells the story better than I can convince you.

I come now to the legal work of the Department of the Interior, and I find that there is quite a bit of duplication of services in the legal branch of the Department of the Interior. It was suggested by the head of the Department that this duplication should cease, but, in order to bring this about, it is going to be necessary to change some of the laws. I am hoping that, in view of the debate we had on that subject, new laws will be recommended in order to eliminate some of the duplication between the Attorney General's department and the Legal Division of the Department of the Interior, so that the latter Department may work for the best interests of the country and in the most economical fashion instead of such expensive duplication of legal talent.

We have in the Interior Department a Division of Information for which we appropriated \$72,000. This is nothing but a propaganda organization. The Departments of Interior, Agriculture, and the other departments have these bureaus of information—have them for the purpose of putting out propaganda. This should cease and we ought to eliminate these appropriations if we cannot stop it in any other way.

Then there is the Division of Grazing which we are building and building. I can see some advantage, but we are getting to the point where all the Western States are becoming dependent on the Government, and I believe we should be careful not to extend that service so that it becomes too big and too unwieldy that it becomes overburdened with Government employees.

Mr. HAWKS. Will the gentleman yield?

Mr. RICH. I yield to the gentleman from Wisconsin.

Mr. HAWKS. Where are we going to get the money?

Mr. RICH. I have been unable to find that out myself and I do not think anyone in the Government service is able to tell where we are going to get the money to carry on the operations of our Government, in such expansion as has been going on, and I say that in all sincerity. Previous to the present administration no one ever starved and no administration has been derelict in its duty of taking care of the needy public, but we have gone on and on in the past 6 or 7 years to such an extent that if we do not curb ourselves in the expenditure of funds we will break down our financial structure, which means bankruptcy, and that in turn means dictatorship, as we are headed at present.

PUERTO RICO

Puerto Rico relief appropriation we cut to \$15,000. Our object in doing this was owing to the fact for the last several years we have appropriated \$25,000 a year to collect this relief money and have been only getting in seven, eight, and nine thousand dollars. Now to appropriate \$30,000 seems to me is foolish, because I believe they can make the same effort with less clerks and receive as much money as they could from collections of the relief funds as they could by appropriating the larger amount.

BITUMINOUS COAL COMMISSION

The National Bituminous Coal Commission has been set up for the past 4 or 5 years and we have spent two to four

million dollars a year on one of the greatest political set-ups I have seen since I have been in Washington. When they had the five commissioners they always were at loggerheads and working to a disadvantage. Ever since the Bituminous Coal Commission has been set up they have not accomplished one thing. Not even to this time have they established the price of coal. This they expect to do on April 1. Five years to determine the price of coal and in 1 week they may arbitrarily change it. There is no reason under the sun why this appropriation should not be cut down at least one million and a half dollars more than we have in the bill at the present time. It will do just as good work and accomplish just as much, so why spend that money for political propaganda? I claim it to be nothing but a racket ever since it was started.

Emergency relief items under the W. P. A. and P. W. A. that have been set up for the past 5 years have created so many new parks and additions thereto, new buildings, and new undertakings under this bill that the upkeep is going to be a burden on the taxpayers for years and years to come and we will only discover as the years go by how much this relief money that was placed in the hands of the President to expand is going to be a task for the taxpayers of this country to meet in order to keep things going. For the project itself, as that money still is to be raised, but also to the upkeep. Now projects have been started that will be more of a burden than they will be an asset. We have the National Power Policy Committee, which is set up in this bill. It was an executive order proposal and now because of the fact that the Interior Department had that power previous to conferring such great power on the President, the committee saw fit, over my protest, to set it up under the Secretary because I notified them it would be taken out on a point of order and the committee outwitted me and I am unable to knock it out on a point of order which I intended to do. Another new bureau of the President when he promised to eliminate them before he was elected President.

WAR MINERAL RELIEF

I want to congratulate the committee for eliminating the war mineral relief. That has been going on for over 20 years. We continued it last year with the distinct understanding to the Department and to those who had claims that it would only be for 1 year, and the year will be up on June 30, and, so far as this committee is concerned, I think they are justified in eliminating this item from the bill forever.

BONNEVILLE DAM PROPOSAL

Bonneville Dam proposal for the construction of new power lines has more than enough money, in my judgment, to construct lines enough to take care of all the power they will generate for the year 1941, and I would cut this appropriation a million more at least.

BUREAU OF INSULAR AFFAIRS

The Bureau of Insular Affairs was transferred to this Department of the Interior and as we are going to eliminate our responsibility in taking care of the Filipinos in 1946, it seems to me we ought to cut down rather than increase the expense we incurred for operation and looking after the Philippine Islands. Why not begin to make them more responsible and why not cut down our appropriations? We built a summer home and a city home for the Commissioner at a cost of \$750,000—a terrible price to pay for an Embassy in the Philippines, and this bill instead of being a reduction of the amount over last year is an increase. It is not justifiable in my judgment and should be cut many thousands of dollars.

GENERAL LAND OFFICE

In the General Land Office we have increased the amount for surveying of public land from \$750,000 to \$900,000—an increase of \$150,000. There is no reason under the sun why we should not cut down this appropriation by at least \$400,000. Then we will survey lands as rapidly as will be necessary to survey the lands under public demand.

BUREAU OF INDIAN AFFAIRS

Coming to the Bureau of Indian Affairs, let me call your attention to the fact that in 1931 the cost of this Bureau of the Interior Department was \$20,523,379. Last year we appropriated \$33,410,753. When we are trying to make the Indian Bureau self-sustaining, under the name of heaven why do we increase so rapidly the functions of the Indian Bureau? In my judgment, too much of this appropriation is a racket, and the appropriations should never be made as we are making them now. For instance, take the hospitalization, and I am as much interested in that as probably anyone could be. But when I think of the amount appropriated to operate the hospitals under the Indian Bureau, and then I make the comparison of the hospital on which I am on the board of trustees at Lock Haven, Pa., I find that the amount of money we appropriate for Indian hospitals cost per patient per day twice as much as it does for the people whom I represent back home.

Not only the Indian hospitals but over here across the river at St. Elizabeths Hospital and other Government hospitals can be put in this same category. Not only hospitalization but other branches of the Indian Service as well should be reduced in their regular routine appropriations. Now, for instance, the Tacoma Hospital Sanatorium at Tacoma, Wash. We have in this bill \$400,000. Two hundred and twenty-two thousand dollars will be for the purchase of land which now belongs to the Indians, and then we permit the Department to make contractual obligations to the extent of \$815,000 additional. When we get through taking over this land now serving the Indians the total hospital will cost \$1,215,000. In the name of the heavens, under the present conditions of the Treasury, this is not justified. Keep the Government from taking over everything. Let us stop doing it for awhile at least.

RECLAMATION

Moving on to the Reclamation, in some ways a mighty fine thing for the inhabitants of certain territories of the West; and were not it being used in such extravagant manner I would be for it much more enthusiastically than I am now. Our annual appropriations are increasing so rapidly that the burden of maintenance on the General Treasury will tell in years to come. Grand Coulee, in Washington, will require many millions of dollars more to complete. Central Valley, Calif.—we have got \$16,000,000 in this bill and for 7 years to come you will be asked to appropriate \$20,000,000 a year before it can be completed. The Colorado River project in Texas was not passed on by the Bureau of the Budget until February 7, when the President sent down a supplemental estimate of \$3,000,000 to complete this project, and the committee added it to the bill. The great expenditures that we have put into the Interior bills in the past 4 or 5 years, and with the amount that the President has granted under W. P. A., some of whose projects were later assumed by the Congress, shows with what care the Congress should view the spending of public funds and should not place in the hands of the President such great power. I hope that no other President, whether he be Republican or what he be, in the future will have the power which Franklin D. Roosevelt has had over the Congress of the last 7 years, and I hope no Congress will ever grant any President such power as they did Mr. Roosevelt. It is not right and it is not constitutional.

GEOLOGICAL SURVEY

In the Geological Survey we cut out work that was for the Army of \$985,350. We were perfectly willing that the Geological Survey should do the work that the Army might need done, but we believed it should come out of the Army appropriation and not out of the Interior Department appropriation.

NATIONAL PARK SERVICE

I cannot help but repeat here what I have said in committee of the amount of money that has been expended by the President under Executive order for new parks, extension of parks, repairs to parks and monuments. Also the new ones that have been set up by the Congress themselves.

That will be a heavy burden annually for increased cost on operation of the Government. I am glad to say that the Secretary and those connected with his office gave us the assurance that there was no money in this bill to be spent on the Jefferson Memorial at St. Louis, Mo. It is right and proper that the construction of that monument should cease and be a dead issue from now on. They have in St. Louis a Jefferson Memorial on a 1,200-acre plot of ground that cost over a million dollars, in memory of Thomas Jefferson. Why they need another no one can tell.

Then, we have the improvements that were suggested here in the Lincoln Memorial, of heating it and installing a \$40,000 toilet. The committee was wise enough to eliminate this expenditure at this time, as well as the Jefferson Memorial now being constructed. The committee has seen fit to eliminate one-half of the sea wall, for which they have to spend \$222,520 for changing the contour. We have agreed to permit them to fill in one-half of this change, but we refused to permit them to do away with one-half of the wall and dig out a great amount of earth in order to make it symmetrical. In our judgment, the sea wall will be just as beautiful if the part next to Fourteenth Street is left intact.

I could go on and speak of other items in this bill, but time will not permit, although I do want to say that we are treating very finely, it seems to me, the Territory of Alaska, with 60,000 people, and the amount of appropriations are more in proportion than they are to a great many of our States.

Then we have Puerto Rico, where we are looking after those people in pretty good shape. And in the Virgin Islands we still have the \$2,600,000 sugar plantation and rum plant owned by all the people of America, and which was set up under W. P. A. by Executive order; and I am very sorry to say that it is not a very profitable organization for the American people to be in. They do not pay taxes; they do not pay interest on the money invested; and the report as given by the Virgin Islands Co., the rum plant owned by the taxpayers of America, showed a deficit of \$23,002.67. Of course, they pay the tax on the rum, which every manufacturer of rum has to pay, but they do not pay taxes on their property nor do they pay any income tax, because they had no income, and would be exempt from that if they did since they are a Government corporation. That is the injustice of the Government in business, and I want to say that the quicker we get the Government out of all kinds of business—and especially the rum business—the better off our Nation will be. We have increased the amounts given to St. Thomas and St. Croix because they have deficits in their operation.

Again, in conclusion, I can truthfully say, so far as I am concerned, I could have cut down this bill ten to fifteen million dollars, and I am positive the Department would be better off; and I am sure the taxpayers of this country would be much better off if they were not compelled to do a lot of things this bill calls for. Here is hoping we can soon put the Government on a more sound financial basis by decreasing our appropriations by millions and millions of dollars.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I yield such time as he may desire to the gentleman from Washington [Mr. LEAVY], a distinguished member of the committee, who rendered a great service in the preparation of this bill.

Mr. LEAVY. Mr. Chairman, I feel that I should, on behalf of the majority side of the committee, reciprocate the beautiful sentiment expressed by the gentleman who preceded me, the ranking member of the subcommittee, the gentleman from Pennsylvania [Mr. RICH]. For 6 weeks our subcommittee worked almost daily from 9:30 until 5 in the afternoon on this bill. We have turned out a transcript of 2,000 pages of hearings, and I am sure every member of the committee invites both the membership of the House and anyone interested to examine that record. The report contains some 55 pages and the bill itself covers 114 pages. The total amount allowed by the committee is slightly over \$119,000,000.

It might be said that we just did all this work for the sake of building up a record to sustain the allowances in the bill.

Let me say concerning the Department of the Interior bill that there is no supply bill which comes before the American Congress that so completely touches every congressional district within the Nation as this supply bill. We were extremely careful to refrain from doing an injury to any item in the bill by arbitrarily cutting it, and we were likewise extremely anxious to save money, yet permit these essential governmental activities to proceed.

It is true that the West makes the greater demand for money in this bill and gets the greatest sum of money, but I am sure that any impartial observer, be he Democrat or Republican, irrespective of his political label, when he looks at this picture as it must be looked upon, will recognize that the West is entitled to a greater proportion by reason of the fact that there Uncle Sam still has his great domain and holds unquestioned title to many millions of acres, and the question is whether we want to look after it in the public interest or neglect it, or just give it away to a group of greedy, selfish exploiters.

Mr. VOORHIS of California. Will the gentleman yield?

Mr. LEAVY. I yield to the gentleman from California.

Mr. VOORHIS of California. There is an additional reason why the West is entitled to these reclamation projects particularly and to help in preserving our water resources. That is because we have in recent years had coming to our States thousands and thousands of people from other parts of the country which we are under the obligation of attempting to absorb constructively into the life of our section.

Mr. LEAVY. The gentleman is correct. I placed in the RECORD under an extension of remarks an extended statement appearing in the Appendix of the RECORD page 1166, showing the new problem that has been forced upon the West by reason of the migrations from the Dust Bowl regions and the arid sections that have suffered so severely for some years from drought.

Mr. HOUSTON. Will the gentleman yield?

Mr. LEAVY. I yield to the gentleman from Kansas.

Mr. HOUSTON. I want to congratulate the gentleman and every member of that subcommittee on the splendid job they have done. The committee has done a good job. As the gentleman stated, the committee has not cut any one drastically so that they could not function in the coming year, but, after all, it has cut approximately \$3,000,000 under the Budget, so that the bill itself comes in under the Budget estimate. I want to congratulate the gentleman on the way his committee handled the bill.

Mr. LEAVY. I thank the distinguished gentleman from Kansas [Mr. HOUSTON]. I hope every Member will show the same intelligent appreciation of the work we have done.

Mr. Chairman, may I say, as a member of the subcommittee which prepared this bill, that I appreciate extremely the opportunity which for 6 weeks has been mine of associating with my colleagues on the subcommittee. The acting chairman, the gentleman from Oklahoma [Mr. JOHNSON], conducted the hearings in a splendid, impartial, and expeditious manner. At times the membership of the committee differed violently with one another, but never to that degree that we were not willing to listen to the reason of the other fellow. The able, distinguished, and beloved chairman of this subcommittee, who is likewise the chairman of the whole committee, the gentleman from Colorado [Mr. TAYLOR], due to temporary illness, he was unable to be with us at our hearings, but he was with us by being in constant contact, both through his own office and through the clerk of our committee, as well as through personal contact with members of the committee.

For 31 years this rare and brilliant chairman of our committee has been a Member of this House. He has seen Members come and go by the hundreds; he has seen Presidents of both political faiths take and hold the reins of leadership and advance their policies; but through it all he has consistently, faithfully, and perseveringly carried the banner of the great West, until today nearly every section of this great Nation understands and appreciates the West. I do not believe that in the glorious annals of this great body any Member has

had a more distinguished career of public service, and we are happy to announce that our beloved chairman will shortly be back with us.

May I say that the suggestion, guidance, and aid of that splendid disciple of the West, a great man and a great Congressman, the gentleman from Colorado [Mr. TAYLOR], is demonstrated throughout this bill.

In conclusion, let me say that I should like to discuss reclamation at length because that is the big item in the bill. This bill calls for an aggregate appropriation of \$119,000,000. Reclamation calls for \$48,000,000 of that sum. I probably shall have opportunity later to discuss reclamation and the various projects within the reclamation appropriations.

Mr. Chairman, may I say also that this Interior supply bill has had transferred over to it the Biological Survey and the Bureau of Fisheries, which agencies go into every congressional district in this country and are extremely important. This bill covers hundreds and hundreds of other activities. Why, there are 200 separate Indian reservations. There are 155 parks and monuments. There are approximately 55 reclamation projects, and there are about 100 separate fish-hatchery institutions. Then consider all the other agencies and divide them in the many activities. Each of these items was considered separately, and I could go on if time permitted to tell you more of them. You would then see why the long record, and the great care taken. But with all of these activities the aggregate total of this bill is only \$119,000,000, just a little above the sum it costs to build one first-class 45,000-ton battleship. That is what we ask to take care of all of Uncle Sam's interests inside this great Nation of ours, which are not classed as a part of the Military Establishment.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. LEAVY. I yield to my genial colleague, the gentleman from Pennsylvania.

Mr. RICH. I want to congratulate the gentleman on that statement, because he is the first member of the Committee on Appropriations who has admitted that a 45,000-ton battleship costs over \$100,000,000. The gentleman is right, because that was the figure that was given us. If the people of the country would make that comparison, there is no reason under the heavens why we could not have cut out at least two or three of these battleships.

Mr. LEAVY. I do not mean to imply that we should not necessarily build battleships, but what use are battleships to us if we neglect our domestic economy and our natural estate here? For that reason, I say that when you compare this bill with the Army and Navy bills, as it should be compared, it is a modest bill and a modest sum requested. In my judgment, actually if we doubled the amount for reclamation we could cut off many times as much for relief, as I tried to show in the remarks I placed in the RECORD yesterday. [Applause.]

The Clerk read the bill down to and including page 1, line 6.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. RAYBURN] having assumed the chair, Mr. COOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that the Committee, having had under consideration the Interior Department appropriation bill, 1941 (H. R. 8745), had come to no resolution thereon.

EXTENSION OF REMARKS

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address delivered on February 22 by the Secretary of War, Mr. Woodring.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. TOLAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a brief letter from the Berkeley Chamber of Commerce.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HARRINGTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a brief resolution from the United States Livestock Association.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. MONRONEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the Daily Oklahoman.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. HILL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a radio address I delivered on Saturday evening on what the income tax could yield.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made in Committee of the Whole today and to include therein some excerpts from the hearings and the report on the bill, also some brief excerpts from a newspaper article to which I referred in my remarks.

The SPEAKER pro tempore. Is there objection to the request of the Delegate from Alaska?

There was no objection.

Mr. GORE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein the third and fourth in a series of articles on freight rates written by Mr. J. Lacey Reynolds and printed in the Tulsa World.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GEARHART. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article from the American Legion Magazine by Emanuel Hertz entitled "Father Abraham's Men."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GWYNNE. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made this afternoon and include therein some tables from the Department of Agriculture, and a letter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. RICH. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. ALEXANDER] may be permitted to extend his remarks in the RECORD on the Healey bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein some correspondence from former United States Senator Robert L. Owen on the unemployment situation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. FADDIS, for 7 days, on account of important business.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the

President, for his approval, a joint resolution of the House of the following title:

H. J. Res. 424. Joint resolution to authorize the United States Maritime Commission to acquire certain lands at St. Petersburg, Fla.

ADJOURNMENT

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 11 minutes p. m.) the House adjourned until tomorrow, Wednesday, March 6, 1940, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds at 10:30 a. m. Wednesday, March 6, 1940, for the consideration of H. R. 8540.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization Wednesday, March 6, 1940, at 10:30 a. m., for the consideration of H. R. 2176, H. R. 7878, and H. R. 8236.

COMMITTEE ON THE JUDICIARY

On Wednesday, March 6, 1940, at 10 a. m., there will be continued before Subcommittee No. 1 of the Committee on the Judiciary public hearings on the following bills:

H. R. 3331 and S. 1032, to amend the act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States," and for other purposes.

H. R. 6395, to extend the provisions of the act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," approved June 30, 1936, to certain contracts carried out with the aid of Federal funds.

The hearings will be held in room 346, House Office Building.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold hearings at 10 a. m. on the following dates on the matters named:

Thursday, March 7, 1940:

H. R. 6321, to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes.

This bill was previously referred to the Committee on Ways and Means, but under date of February 26 it was rereferred to this committee.

Tuesday, March 12, 1940:

H. R. 5476, to create the Alaska Fisheries Commission, and for other purposes.

H. R. 6690, making further provision for the protection of the fisheries of Alaska, and for other purposes.

H. R. 7542, to amend section 6 of an act of Congress entitled "An act for the protection of the fisheries of Alaska, and for other purposes," approved June 6, 1924.

H. R. 7987, to amend section 1 of the act of June 6, 1924, as amended, relative to the fisheries of Alaska.

H. R. 7988, making provisions for employment of the residents of Alaska in the fisheries of said Territory, and for other purposes.

H. R. 8115, making provision for employment of residents of Alaska only in the salmon fishery of the Bristol Bay area, Alaska, during the year 1940.

H. R. 8172, to amend section 5 of the act of Congress approved June 26, 1906, relative to the Alaska salmon fishery.

Tuesday, March 19, 1940:

H. R. 6136, to amend the act entitled "An act for the establishment of marine schools, and for other purposes," approved March 4, 1911 (36 Stat. 1353; 34 U. S. C. 1122), so as to authorize an appropriation of \$50,000 annually to aid in the maintenance and support of marine schools.

H. R. 7094, to authorize the United States Maritime Commission to construct or acquire vessels to be furnished the

States of New York, Massachusetts, Pennsylvania, and California, for the benefit of their respective nautical schools, and for other purposes.

H. R. 7870, to extend the provisions of the act entitled "An act for the establishment of marine schools, and for other purposes," approved March 4, 1911, to include Astoria, Oreg.

H. R. 8612, to authorize the United States Maritime Commission to construct or acquire vessels to be furnished the States of New York, Massachusetts, Pennsylvania, and California, for the benefit of their respective nautical schools, and for other purposes.

COMMITTEE ON PATENTS

The Committee on Patents, House of Representatives, will hold hearings Thursday, March 14, 1940, at 10:30 a. m., on H. R. 8445, to protect the United States in patent-infringement suits. H. R. 8445 is a substitute for H. R. 6877.

The Committee on Patents will hold hearings Thursday, March 21, 1940, at 10:30 a. m., on S. 2689, to amend section 33 of the Copyright Act of March 4, 1909, relating to unlawful importation of copyrighted works.

EXECUTIVE COMMUNICATIONS, ETC.

1429. Under clause 2 of rule XXIV, a letter from the Comptroller of the Currency, transmitting the text of the Annual Report of the Comptroller of the Currency covering the year ended October 31, 1939, was taken from the Speaker's table and referred to the Committee on Banking and Currency.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mrs. O'DAY: Committee on Immigration and Naturalization. H. R. 7626. A bill for the relief of Ernest Unger; with amendment (Rept. No. 1711). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BREWSTER:

H. R. 8763. A bill authorizing bestowal upon the unknown unidentified American buried in the Memorial Amphitheater of the National Cemetery at Arlington, Va., the decoration of the Purple Heart; to the Committee on Military Affairs.

By Mr. JOHN L. McMILLAN:

H. R. 8764. A bill providing for the examination and survey of the Little Pee Dee River in South Carolina; to the Committee on Rivers and Harbors.

By Mr. PEARSON:

H. R. 8765. A bill to provide for free hospitalization and medical attention for all veterans of the World War and the Spanish American War in Government facilities; to the Committee on World War Veterans' Legislation.

H. R. 8766. A bill to amend an act entitled "An act to establish a retirement system for employees of carriers subject to the Interstate Commerce Act, and for other purposes," approved August 29, 1935, as amended on June 24, 1937, by Public Law No. 162, Seventy-fifth Congress, so as to provide for medical examinations in furnishing satisfactory proof of disability; to the Committee on Interstate and Foreign Commerce.

By Mr. PETERSON of Florida:

H. R. 8767. A bill providing for a preliminary examination and survey of a channel from old Tampa Bay to Oldsmar, Fla.; to the Committee on Rivers and Harbors.

H. R. 8768. A bill to provide that a veteran's compensation, pension, or retirement pay shall not be reduced during his hospitalization or domiciliary care; to the Committee on Pensions.

By Mr. DOXEY:

H. R. 8769. A bill to reestablish parity prices for agricultural commodities, to raise revenue, and for other purposes; to the Committee on Agriculture.

By Mr. DUNN:

H. R. 8770. A bill to provide for employment, for cooperation by the Federal Government with the several States in relieving the hardships and suffering caused by unemployment, and for other purposes; to the Committee on Labor.

By Mr. HENDRICKS:

H. R. 8771. A bill to authorize the issuance of a patent in fee simple to the city of St. Augustine, Fla., for a certain tract of land known as powder-house lot; to the Committee on the Public Lands.

By Mr. BLOOM:

H. R. 8772. A bill to amend the act of August 23, 1912 (37 Stat. 414; U. S. C., title 31, sec. 679); to the Committee on Foreign Affairs.

By Mr. RANDOLPH:

H. R. 8773. A bill to authorize the construction of a parade field, swimming pools, stadium, and other recreational facilities in section F, Anacostia Park, in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. CELLER:

H. J. Res. 483. Joint resolution establishing a Federal Tax Commission, and for other purposes; to the Committee on Ways and Means.

By Mr. FULMER:

H. Cong. Res. 51. Concurrent resolution to extend the time for the filing of the report of the Joint Committee on Forestry; to the Committee on Rules.

By Mr. PEARSON:

H. Res. 412. Resolution authorizing appointment of a select committee to investigate trade practices in connection with sale and marketing of strawberries and fresh vegetables; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CURTIS:

H. R. 8774. A bill for the relief of the widow of Donald D. Elliott; to the Committee on Military Affairs.

By Mr. DEMPSEY:

H. R. 8775. A bill granting a pension to Casimira Gallegos de Garcia; to the Committee on Invalid Pensions.

By Mr. EDELSTEIN:

H. R. 8776. A bill for the relief of Olga Slavikowska; to the Committee on Immigration and Naturalization.

By Mr. KEE:

H. R. 8777. A bill to permit suit to be brought upon the yearly renewable term insurance of Oscar W. Wiley, deceased; to the Committee on World War Veterans' Legislation.

By Mr. KELLER:

H. R. 8778. A bill to make Younghill Kang eligible for naturalization; to the Committee on Immigration and Naturalization.

By Mr. KLEBERG:

H. R. 8779. A bill for the relief of Heldenfels Bros.; to the Committee on War Claims.

By Mr. McCORMACK:

H. R. 8780. A bill for the relief of the estate of Thomas J. Blake, deceased; to the Committee on Claims.

H. R. 8781. A bill for the relief of Lewis Augustine Caulfield; to the Committee on Naval Affairs.

By Mr. PETERSON of Florida:

H. R. 8782. A bill for the relief of Harvey C. Artis; to the Committee on Claims.

By Mr. SATTERFIELD:

H. R. 8783. A bill for the relief of Frank Kelley; to the Committee on Claims.

H. R. 8784. A bill for the relief of Jake Hale; to the Committee on Claims.

By Mr. SMITH of Virginia:

H. R. 8785. A bill for the relief of Blanche W. Stout; to the Committee on Foreign Affairs.

By Mr. SUMNERS of Texas:

H. R. 8786. A bill for the relief of William A. Martin; to the Committee on Invalid Pensions.

By Mr. VAN ZANDT:

H. R. 8787. A bill granting an increase of pension to Elizabeth Fleck; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6799. By Mr. CLASON: Petition of Grace H. O'Donnell and other citizens of Northampton, Mass., members of the Mothers of American Sons, petitioning for the early passage of House Joint Resolution 408; to the Committee on Military Affairs.

6800. By Mr. FULMER: Resolution by the South Carolina farmers, in session, Columbia, S. C., endorsing Senate bill 591, providing for an extension of the powers granted to the United States Housing Authority specifically providing for not less than two hundred million to be used for rural housing; to the Committee on Banking and Currency.

6801. By Mr. MARTIN J. KENNEDY: Petition of the United Irish-American Societies of New York, New York City, opposing the proposed St. Lawrence Waterway treaty; to the Committee on Interstate and Foreign Commerce.

6802. By Mr. KEOGH: Petition of the United Irish-American Societies of New York, concerning the St. Lawrence Waterway treaty; to the Committee on Interstate and Foreign Commerce.

6803. By Mr. RABAUT: Petition of the National Woman's Party, Michigan branch, by Olive E. Hurlburt, chairman of the State council, asking that the equal-rights amendment be favorably reported immediately to both Houses of Congress, and by them submitted to the people of the country for ratification; to the Committee on the Judiciary.

6804. By Mr. SCHIFFLER: Petition of Mr. and Mrs. Charles Hickman, Jr., and other citizens of Brooke County, W. Va., urging that all questions violating the rights and privacy of American citizens be stricken out of the 1940 census questionnaire; to the Committee on Ways and Means.

6805. By the SPEAKER: Petition of the Texas Citizens, Fort Worth, Tex., petitioning consideration of their resolution with reference to an investigation and impeachment of James C. Wilson, United States district judge for the northern district of Texas; to the Committee on the Judiciary.

SENATE

WEDNESDAY, MARCH 6, 1940

(Legislative day of Monday, March 4, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

Eternal Father, unto whom we come at this new dawn of opportunity for larger life and richer service, we thank Thee for the calm of yesternight, when sacred memories and thoughts of holiness inspired our evensong to Thee, and for the fair beauty of another day in which our morning prayer becomes our hymn of praise. Grant unto us now the abiding sense of unfading light, of spotless purity, of long-suffering love that issues from Thy presence till selfishness is done away; till our minds are pure from error and our wills lose all their weakness in union with Thine own; that when evening comes again it may find us fit for rest and unashamed, as we commit ourselves unto Thee and the keeping of Thy watchful care. We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Tuesday, March 5, 1940, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	King	Russell
Andrews	Downey	La Follette	Schwartz
Ashurst	Ellender	Lee	Schweilenbach
Austin	Frazier	Lodge	Shipstead
Bailey	Gerry	Lucas	Slattery
Bankhead	Gibson	McCarrahan	Smathers
Barbour	Gillette	McKellar	Smith
Barkley	Glass	McNary	Stewart
Bilbo	Green	Maloney	Taft
Brown	Guffey	Mead	Thomas, Idaho
Bulow	Gurney	Miller	Thomas, Okla.
Byrd	Hale	Minton	Thomas, Utah
Byrnes	Harrison	Murray	Tobey
Capper	Hatch	Neely	Townsend
Caraway	Hayden	Norris	Truman
Chandler	Herring	Nye	Tydings
Chavez	Hill	O'Mahoney	Vandenberg
Clark, Idaho	Holman	Overton	Van Nuys
Clark, Mo.	Holt	Pepper	Walsh
Connally	Hughes	Pittman	Wheeler
Danaher	Johnson, Calif.	Reed	White
Davis	Johnson, Colo.	Reynolds	Wiley

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] is absent from the Senate because of illness.

The Senator from Nebraska [Mr. BURKE], the Senator from Maryland [Mr. RADCLIFFE], the Senator from Texas [Mr. SHEPPARD], and the Senator from Minnesota [Mr. LUNDEN] are detained on important public business.

The Senator from Georgia [Mr. GEORGE] and the Senator from New York [Mr. WAGNER] are unavoidably detained.

The VICE PRESIDENT. Eighty-eight Senators have answered to their names. A quorum is present.

WATER-POLLUTION CONTROL

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 685) to create a Division of Water Pollution Control in the United States Public Health Service, and for other purposes, which was to strike out all after the enacting clause and insert:

That there is hereby established in the United States Public Health Service a Division of Water Pollution Control (hereinafter referred to as the Division). The Division shall be in charge of a Director, who shall be a commissioned engineer officer of the United States Public Health Service detailed for such duty by the Surgeon General of the Public Health Service (hereinafter referred to as the Surgeon General). Such engineer officer, while serving as Director, shall have the rank of an Assistant Surgeon General of the Public Health Service, subject to the provisions of law applicable to Assistant Surgeons General in charge of administrative divisions in the District of Columbia of the Public Health Service.

SEC. 2. (a) The Division shall, after careful investigation, and in cooperation with the Chief of Engineers of the War Department, other Federal agencies, and the agencies of the several States authorized by law or duly designated to deal with water pollution, and in cooperation with the municipalities and industries involved, prepare comprehensive plans for eliminating or reducing the pollution and improving the sanitary condition of the navigable waters of the United States and streams tributary thereto. In the development of such comprehensive plans due regard shall be given to the improvements which are necessary to conserve such waters and promote their use for public water supplies, propagation of fish and aquatic life, recreational purposes, agricultural, industrial, and other legitimate uses, and for this purpose the Division is authorized to make joint investigations with the aforesaid agencies of the Federal Government and any State or States of the condition of any waters of the United States, either navigable or otherwise, and of the discharges of any sewage, industrial wastes, or substance which may deleteriously affect such waters.

(b) The Division shall encourage cooperative activities by the several States for the prevention and abatement of water pollution; encourage the enactment of uniform State laws relating to water pollution; encourage compacts between the several States for the prevention and abatement of water pollution; collect and disseminate information; make available to State agencies, municipalities, industries, and individuals the results of such surveys, studies, investigations, and experiments conducted by the Division and by other agencies, public and private; and furnish such assistance to State agencies as may be authorized by law.

(c) The consent of the Congress is hereby given to two or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative effort and mutual assistance for the prevention and abatement of water pollution and the enforcement of their respective laws relating thereto, and to establish such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts.